

STATE OF NORTH DAKOTA

---

# JOURNAL OF THE SENATE

of the  
REGULAR SESSION  
and  
SPECIAL SESSION

of the  
TWENTY-FIFTH LEGISLATIVE  
ASSEMBLY

---

Regular Session, January 5th to March 5th, Inclusive  
Special Session, March 8th to March 10th, Inclusive

Both Held in State Capitol,  
Bismarck, North Dakota

---

T. H. H. THORESEN  
Lieutenant-governor

GUST WOG  
President pro tempore  
Presidents of the Senate

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THOMAS McDONALD  
Secretary of the Senate

BUY "DAKOTA MAID" FLOUR



BISMARCK TRIBUNE

35000

# NOTICE

**The list of senate and house members and of officers and employes of the senate will be found in the index at the back of this book.**

## *Errata*

**Legislative record of Senator Coffey is continued from Page CXXXVIII to Page CXXXIX in index.**



# Journal of the Senate



## Twenty-fifth Legislative Assembly

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### FIRST DAY

Senate Chamber,  
Bismarck, North Dakota,  
January 5, 1937.

At the hour of twelve o'clock on the fifth day of January, 1937, it being the day and hour designated by the Constitution for convening the Legislative Assembly of the State of North Dakota, the hold-over members and members elected to the Senate of the Twenty-fifth Legislative Assembly assembled in the North Dakota State Capitol Building at Bismarck, North Dakota, and were called to order by F. E. Tunell, Secretary of the Twenty-fourth Legislative Assembly of the State of North Dakota.

Senator Nelson of Grand Forks moved that the presiding officer appoint a committee of three to escort the Lieutenant-Governor to the rostrum to be sworn in as President of the Senate.

Which motion prevailed.

The Secretary appointed as such committee Senators Nelson of Grand Forks, Bilden and Hulteng.

Senator Cain moved that a committee of three be appointed to escort the Honorable A. M. Christianson, Chief Justice of the Supreme Court to the rostrum to administer the oath of office of T. H. H. Thoresen, Lieutenant-governor, as president of the Senate.

Which motion prevailed.

The Secretary appointed as such committee Senators Cain, Lynn and Coffey.

Chief Justice Christianson administered the oath of office to Lieutenant-governor T. H. H. Thoresen.

Prayer by the Chaplain, Rev. Opie S. Rindahl.

The following communication was received from the Secretary of State:

## DEPARTMENT OF STATE

Bismarck, N. D.

January 5, 1937.

Secretary of the Senate,  
Twenty-fifth Legislative Assembly,  
Bismarck, North Dakota.

Dear Sir:

I hereby certify that the following is, according to the records of my office, a true and correct list of the names and addresses of those duly qualified as members of the Senate of the Twenty-fifth Legislative Assembly of the State of North Dakota:

Dist.	County	Name	Address
1.	Pembina.....	Thomas Whelan.....	St. Thomas
2.	Pt. of Ward.....	Wm. J. Lowe.....	Kenmare
3.	Pt. of Walsh.....	Ed. Lian.....	Fairdale
4.	Pt. of Walsh.....	George V. Coffey.....	Minto
5.	Pt. of G. Forks.....	Oliver Bilden.....	Northwood
6.	Pt. of G. Forks.....	N. N. Nelson.....	Emerado
7.	Pt. of G. Forks.....	John L. Hulteng.....	Grand Forks
8.	Traill.....	Syver Vinje.....	Hillsboro
9.	Pt. of Cass.....	Arthur W. Fowler.....	Fargo
10.	Pt. of Cass.....	Max H. Strehlow.....	Kindred
11.	Pt. of Cass.....	Wm. Watt.....	Leonard
12.	Pt. of Richland.....	Melvin P. Johnson.....	Wahpeton
13.	Sargent.....	A. N. Lavik.....	Milnor
14.	Ransom.....	John Crandall.....	Lisbon
15.	Pt. of Barnes.....	Fred J. Fredrickson.....	Valley City
16.	Griggs-Steele.....	George Kolpin.....	Sutton
17.	Nelson.....	C. S. Aasen.....	Aneta
18.	Cavalier.....	Ed. Greene.....	Mona
19.	Rolette.....	H. G. Guenther.....	Rolla
20.	Benson.....	C. W. Fine.....	Sheyenne
21.	Ramsey.....	G. F. Drew.....	Devils Lake
22.	Towner.....	B. W. Lemke.....	Cando
23.	Stutsman.....	Ben Gilbertson.....	Jamestown
24.	LaMoure.....	Milton R. Young.....	Berlin
25.	Dickey.....	E. Magoffin.....	Monango
26.	Emmons.....	Harry C. Lynn.....	Linton
27.	Burleigh.....	James W. Guthrie.....	Bismarck
28.	Bottineau.....	Wm. A. Thatcher.....	Bottineau
29.	Pt. of Ward.....	J. C. Blaisdell, Jr.....	Minot
30.	Morton.....	James T. McGillic.....	Mandan
31.	Stark.....	J. P. Cain.....	Dickinson
32.	Eddy-Foster.....	Otto Topp.....	Grace City
33.	Wells.....	R. M. Streibel.....	Fessenden
34.	McHenry.....	Ole Ettestad.....	Balfour
35.	Kidder-Sheridan.....	C. C. Morrison.....	Steele
36.	McIntosh-Logan.....	William Kroeber.....	Napoleon
37.	Pt. of Richland.....	Andrew Skarvold.....	Christine
38.	Pt. of Barnes.....	A. C. Nelson.....	Fingal
39.	Billings, Bowman, Golden Valley & Slope.....	Gust Wog.....	Belfield

Dist.	County	Name	Address
40.	Burke-Divide.....	R. A. Owings.....	Lignite
41.	McKenzie.....	J. K. Brostuen.....	Alexander
42.	Pierce.....	F. T. Gronvold.....	Rugby
43.	Renville.....	W. J. Trout.....	Sherwood
44.	Mountrail.....	Axel Olson.....	Parshall
45.	Williams.....	Henry Williams.....	Appam
46.	McLean.....	E. C. Stucke.....	Garrison
47.	Grant-Sioux.....	William Kamrath.....	Leith
48.	Mercer, Oliver & Dunn.....	E. F. Mutchler.....	Center
49.	Adams-Hettinger.....	Herman Thorson.....	Bucyrus

In Witness Whereof, I have hereunto set my hand and affixed the Great Seal of the State of North Dakota, this 5th day of January, A. D. 1937.

(SEAL) JAMES D. GRONNA,  
Secretary of State.

## LIST OF HOLD-OVER SENATORS

Dist.	County	Name	Address
2.	Pt. of Ward.....	Wm. J. Lowe.....	Kenmare
4.	Pt. of Walsh.....	George V. Coffey.....	Minto
6.	Pt. of G. Forks.....	N. N. Nelson.....	Emerado
8.	Trails.....	Syver Vinje.....	Hillsboro
10.	Pt. of Cass.....	Max H. Strehlow.....	Kindred
12.	Pt. of Richland.....	Melvin P. Johnson.....	Wahpeton
14.	Ransom.....	John Crandall.....	Lisbon
16.	Griggs-Steele.....	George Kolpin.....	Cooperstown
18.	Cavalier.....	Ed. Greene.....	Mona
20.	Benson.....	C. W. Fine.....	Sheyenne
22.	Towner.....	B. W. Lemke.....	Cando
24.	LaMoure.....	Milton R. Young.....	Berlin
26.	Emmons.....	Harry C. Lynn.....	Linton
28.	Bottineau.....	Wm. A. Thatcher.....	Bottineau
30.	Morton.....	James T. McGillic.....	Mandan
32.	Eddy-Foster.....	Otto Topp.....	Grace City
34.	McHenry.....	Ole Etestad.....	Balfour
36.	McIntosh-Logan.....	William Kroeber.....	Napoleon
38.	Pt. Barnes.....	A. C. Nelson.....	Fingal
40.	Burke-Divide.....	R. A. Owings.....	Lignite
42.	Pierce.....	F. T. Gronvold.....	Rugby
46.	McLean.....	E. C. Stucke.....	Garrison
48.	Mercer, Oliver & Dunn.....	E. F. Mutchler.....	Center

## LIST OF SENATORS-ELECT

Dist.	County	Name	Address
1.	Pembina.....	Thomas Whelan.....	St. Thomas
3.	Pt. of Walsh.....	Ed. Lian.....	Fairdale
5.	Pt. of G. Forks.....	Oliver Bilden.....	Northwood
7.	Pt. of G. Forks.....	John L. Hulteng.....	Grand Forks
9.	Pt. of Cass.....	Arthur W. Fowler.....	Fargo
11.	Pt. of Cass.....	Wm. Watt.....	Leonard
13.	Sargent.....	A. N. Lavik.....	Milnor
15.	Pt. of Barnes.....	Fred J. Fredrickson.....	Valley City
17.	Nelson.....	C. S. Aasen.....	Aneta

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Dist.	County	Name	Address
19.	Rolette.....	H. G. Guenther.....	Rolla
21.	Ramsey.....	G. F. Drew.....	Devils Lake
23.	Stutsman.....	Ben Gilbertson.....	Jamestown
25.	Dickey.....	E. Magoffin.....	Monango
27.	Burleigh.....	James W. Guthrie.....	Bismarck
29.	Pt. of Ward.....	J. C. Blaisdell, Jr.....	Minot
31.	Stark.....	J. P. Cain.....	Dickinson
33.	Wells.....	R. M. Streibel.....	Fessenden
35.	Kidder-Sheridan.....	C. C. Morrison.....	Steele
37.	Pt. of Richland.....	Andrew Skarvold.....	Christine
39.	Billings, Bowman, Golden Valley & Slope.....	Gust Wog.....	Belfield
41.	McKenzie.....	J. K. Brostuen.....	Alexander
43.	Renville.....	W. J. Trout.....	Sherwood
44.	Mountrail.....	Axel Olson.....	Parshall
45.	Williams.....	Henry Williams.....	Appam
47.	Grant-Sioux.....	William Kamrath.....	Leith
49.	Adams-Hettinger.....	Herman Thorson.....	Bucyrus

Chief Justice Christianson administered the oath of office to all Senators-elect except Senator Hulteng, and requested them to subscribe to the oath of office.

## ROLL CALL

The roll was called and there were 48 present and 1 absent.

Those present were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Johnson	Owings
Blaisdell	Kamrath	Skarvold
Brostuen	Kolpin	Streibel
Cain	Kroeber	Strehlow
Coffey	Lavik	Stucke
Crandall	Lemke	Thatcher
Drew	Lian	Thorson
Ettestad	Lowe	Topp
Fine	Lynn	Trout
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young

Absent:

Messrs.  
Hulteng

Senator McGillic moved the nomination of Thomas McDonald of Morton county as Secretary of the Senate.

Which motion prevailed.

## ROLL CALL

The question being on the election of Thomas McDonald as Secretary of the Senate, the roll was called and there were ayes, 48; nays, 0; absent and not voting, 1.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Johnson	Owings
Blaisdell	Kamrath	Skarvold
Brostuen	Kolpin	Streibel
Cain	Kroeber	Strehlow
Coffey	Lavik	Stucke
Crandall	Lemke	Thatcher
Drew	Lian	Thorson
Ettestad	Lowe	Topp
Fine	Lynn	Trout
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young

Absent and not voting:

Messrs.  
Hulteng

So Thomas McDonald was elected Secretary of the Senate.

The President administered the oath of office to Thomas McDonald.

Senator Trout moved that a vote of thanks be extended to F. E. Tunell for his services as Secretary in opening the Twenty-fifth Legislative Session of the Senate.

Which motion prevailed.

Senator Fine moved the nomination of Margaret O. Sheehan of Burleigh county as Desk Reporter.

Which motion prevailed.

## ROLL CALL

The question being on the election of Margaret Sheehan as Desk Reporter, the roll was called and there were ayes, 48; nays, 0; absent and not voting, 1.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Johnson	Owings
Blaisdell	Kamrath	Skarvold
Brostuen	Kolpin	Streibel

Messrs.	Messrs.	Messrs.
Cain	Kroeber	Strehlow
Coffey	Lavik	Stucke
Crandall	Lemke	Thatcher
Drew	Lian	Thorson
Ettestad	Lowe	Topp
Fine	Lynn	Trout
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young

Absent and not voting:

Messrs.  
Hulteng

So Margaret Sheehan was elected Desk Reporter.

The President administered the oath of office to Margaret O. Sheehan.

Senator Lynn moved that Joe Volk, Jr., of Emmons county be nominated as Sergeant-at-Arms.

Which motion prevailed.

#### ROLL CALL

The question being on the election of Joe Volk as Sergeant-at-Arms, the roll was called and there were ayes, 48; nays, 0; absent and not voting, 1.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Johnson	Owings
Blaisdell	Kamrath	Skarvold
Brostuen	Kolpin	Streibel
Cain	Kroeber	Strehlow
Coffey	Lavik	Stucke
Crandall	Lemke	Thatcher
Drew	Lian	Thorson
Ettestad	Lowe	Topp
Fine	Lynn	Trout
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young

Absent and not voting:

Messrs.  
Hulteng

So Joe Volk was elected Sergeant-at-Arms.

The President administered the oath of office to Joe Volk, Jr.

Senator Greene moved that the President appoint a committee of three to notify the Governor that the Senate was organized and ready to receive any message he desired to deliver.

Which motion prevailed.

The President appointed as such committee Senators Kamrath, McGillic and Skarvold.

Senator Watt moved that the President appoint a committee of three to wait upon the House of Representatives and inform them the Senate was organized and ready to transact business.

Which motion prevailed.

The President appointed as such committee Senators Watt, Vinje and Lavik.

Senator Johnson moved that the President appoint a committee of three to act with a like committee from the House for the purpose of arranging for a joint session of the two houses.

Which motion prevailed.

The President appointed on such committee Senators Johnson, Stucke and Greene.

Senator Young moved that the President appoint a temporary committee on revision and correction of the journal.

Which motion prevailed.

The President appointed Senators Young, Owings and Strehlow on such committee.

Senator Gilbertson moved that the President appoint a committee of three to make the necessary arrangements for Senate committee rooms.

Which motion prevailed.

The President appointed Senators Gilbertson, Lemke and Gronvold on such committee.

Senator Etestad moved that the rules of the Twenty-fourth Legislative Session be adopted as temporary rules for the Twenty-fifth Legislative Session with the exception of Rule 16, which should be amended in line 2 by striking out the word "five" and inserting in lieu thereof the word "seven."

Which motion prevailed.

Senator Drew moved that the President appoint a committee of six to act with the President of the Senate as a committee on committees.

Which motion prevailed.

The President appointed as such committee Senators Brostuen, Cain, Owings, Thorson, Drew and Lowe.

Senator Coffey moved that the Senate recess for ten minutes.

Which motion prevailed.

The Senators selected their permanent seats for the session.

The committee from the House notified the Senate that the House was now organized and ready to transact business.

Senator Watt reported that the committee appointed to notify the House that the Senate was organized and ready to transact business had performed their duty and requested that they be discharged.

Which request was granted.

Senator Lowe requested the unanimous consent of the Senate to withdraw his name from the committee on committees.

Which request was granted.

The President appointed Senator Blaisdell on such committee.

Senator Drew requested the unanimous consent of the Senate to withdraw his name from the committee on committees.

Which request was granted.

The President appointed Senator McGillic on such committee.

Senator Lowe moved that the President appoint a committee of seven to act as a committee on employment.

Which motion prevailed.

The President appointed the following committee: Senators Whelan, Stucke, Kamrath, Wog, Kolpin, Coffey and Strehlow.

Senator Brostuen moved that Senator Hulteng be excused.

Which motion prevailed.

Senator Thorson moved that F. E. Tunell be allowed mileage, and per diem for his services for one day.

#### ROLL CALL

The question being on the motion to allow F. E. Tunell mileage and per diem, the roll was called and there were ayes, 48; nays, 0; absent and not voting, 1.



Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Johnson	Owings
Blaisdell	Kamrath	Skarvold
Brostuen	Kolpin	Streibel
Cain	Kroeber	Strehlow
Coffey	Lavik	Stucke
Crandall	Lemke	Thatcher
Drew	Lian	Thorson
Ettestad	Lowe	Topp
Fine	Lynn	Trout
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young

Absent and not voting:

Messrs.  
Hulteng

So the motion prevailed.

Senator Whelan moved that a committee of three be appointed to confer with the Board of Administration relative to necessary stationery and supplies for the Twenty-fifth Legislative Session.

Which motion prevailed.

The President appointed the following committee: Senators Fowler, Trout and Mutchler.

Senator Olson moved that the President appoint a committee of three to prepare a memorial resolution to the death of the late Senator Harry Peterson.

Which motion prevailed.

The President appointed the following committee: Senators Olson, Thatcher and Whelan.

Senator Stucke: It is the usual custom for the presiding officer to give us a little talk at this time. That is an order.

Lieutenant-Governor Thoresen:

"Gentlemen of the Senate: I appreciate the opportunity that has been afforded me to work with you in an attempt to solve some of the serious problems confronting our state and its people. I wish to thank you, and through you the people of the state, for affording me this opportunity. I know most of you personally and I know that you are imbued with the same earnest desire as I am to serve well and constructively. It would be presumptuous on my part at this time to offer any program for your consideration. Tomorrow our retiring governor, as well as our new gov-

error, will talk to you both in retrospect as well as with views for the future.] At a later date I may, with your kind indulgence, offer some suggestions for constructive action. Suffice it to say now that I am ready and willing to assume my share of responsibility and work. I shall, to the best of my ability, deal fairly and justly with all.

"In the face of the serious problems confronting us in the matter of finance, in the matter of taxation, in the matter of the general welfare of our people many of whom are destitute, and in the matter of providing for the growth of our state and its institutions, there is no room for political dealings nor manipulations. Let us dedicate ourselves to be true statesmen, forget parties and organizations and work for the betterment of our people. It is a simple matter to rule and govern if the aim is to serve only one class or one group. It is the mark of statesmanship when we so conduct ourselves that when our efforts here shall have been written into laws, it shall be said that we worked to harmonize and coordinate the best thoughts for the general welfare and that we have made a real effort to build a better community, a better state and a better nation. To this end I dedicate such ability and energy as I may have, and I shall thank you very kindly for your cooperation. I assure you I will try to the best of my ability to deal fairly and justly with all. I thank you, gentlemen."

Senator Morrison moved that the President appoint a committee of three to act with a like committee from the House for the purpose of conferring with the Board of Administration and the Northwestern Bell Telephone Company with respect to retaining the present switchboard and telephone arrangements now installed in the Senate and House Chambers.

Which motion prevailed.

The President named the following committee: Senators Cain, Morrison and Etestad.

Senator Kamrath reported that the committee appointed to notify the Governor that the Senate was organized and ready to receive his messages had performed their duty and requested that the committee be discharged.

Which request was granted.

Senator Watt moved that the Senate recess until 1:00 p. m., January 6.

Which motion prevailed and the Senate stood recessed.

#### COURTESIES OF THE FLOOR

The courtesies of the floor were extended to: Genevieve Parsons, Lester S. Diehl, Bismarck; Mrs. T. H. H. Thoresen, Grand Forks; Mrs. W. A. Thatcher, Bottineau.

THOMAS McDONALD,  
Secretary.

FIRST DAY AFTER RECESS AND SECOND DAY

Senate Chamber,  
Bismarck, North Dakota,  
January 6, 1937.

The Senate convened at 1:00 P. M., pursuant to recess taken, the President presiding.

Senator Brostuen requested that the Senate return to the sixth order of business.

Which request was granted.

REPORTS OF SELECT COMMITTEES

Mr. President:

Your select Committee on Committees beg leave to report as follows:

That the following named standing committees shall be comprised of the following named Senators, to-wit:

Mileage and Per Diem: Watt (Chairman), Wog and Ettestad.

Rules: Thatcher (Chairman), Fowler, Trout, Lynn, Kolpin, Coffey and Morrison.

Respectfully submitted,

T. H. H. THORESEN, Lt. Gov.  
J. K. BROSTUEN  
HERMAN THORSON  
R. A. OWINGS  
J. P. CAIN  
J. H. MCGILLIC  
J. C. BLAISDELL, Jr.

Senator Brostuen moved the adoption of the report, which motion prevailed and the report was adopted.

Senator Cain reported that the committee appointed to meet with a like committee from the House to confer with the board of administration and representatives of the Northwestern Bell Telephone Company relative to telephone

service, had conferred with those parties, also with E. M. Nelson, superintendent of the Capitol Building; and it was the unanimous agreement of the joint committee to recommend to the House and Senate that they operate on the same plan as used in the last session, having a direct line of telephone in the several committee rooms together with long distance telephones in each of the branches of the Legislature; it was further recommended that the Clerk of the House be authorized to sign on behalf of the House, and the Secretary of the Senate authorized to sign on behalf of the Senate as to the installation of seven phones for the Senate and eight for the House.

Senator Cain moved the adoption of the report, which motion prevailed and the report was adopted.

Senator Cain moved that the Secretary of the Senate be authorized to sign a contract on behalf of the Senate for the installation of seven telephones for the use of its members.

#### ROLL CALL

The question being on the motion to authorize the Secretary of the Senate to sign a contract on behalf of the Senate for the installation of seven telephones for the use of its members, the roll was called and there were ayes, 46; nays, 0; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Owings
Bilden	Kolpin	Skarvold
Blaisdell	Kroeber	Streibel
Brostuen	Lavik	Strehlow
Cain	Lemke	Stucke
Coffey	Lian	Thatcher
Crandall	Lowe	Thorson
Drew	Lynn	Topp
Ettestad	Magoffin	Trout
Fine	McGillic	Vinje
Fredrickson	Morrison	Watt
Gilbertson	Mutchler	Whelan
Greene	Nelson, Barnes	Williams
Gronvold	Nelson, Grand Fks.	Wog
Guenther	Olson	Young
Guthrie		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fowler	Hulteng	Johnson

So the motion prevailed.

Senator Ettestad moved to recess subject to the call of the Chair.

Which motion prevailed.

Senator Strehlow moved the nomination of W. E. Matthaei

of Wells County for the position of First Assistant Secretary of the Senate.

**ROLL CALL**

The question being on the election of W. E. Matthaei for First Assistant Secretary of the Senate, the roll was called and there were ayes, 40; nays, 2; absent and not voting, 7.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kolpin	Owings
Blaisdell	Kroeber	Skarvold
Brostuen	Lavik	Strehlow
Cain	Lemke	Stucke
Coffey	Lowe	Thatcher
Crandall	Lynn	Thorson
Drew	Magoffin	Topp
Fine	McGillic	Vinje
Gilbertson	Morrison	Watt
Gronvold	Mutchler	Whelan
Guenther	Nelson, Barnes	Williams
Guthrie	Nelson, Grand Fks.	Wog
Johnson	Olson	Young
Kamrath		

Those voting in the negative were:

Messrs.	Messrs.	
Greene	Streibel	
Absent and not voting:		
Messrs.	Messrs.	Messrs.
Bilden	Fredrickson	Lian
Ettestad	Hulteng	Trout
Fowler		

So W. E. Matthaei was declared elected First Assistant Secretary of the Senate.

The President administered the oath of office.

Senator Wog moved the nomination of Philip Heiling of Barnes County for the position of Second Assistant Secretary of the Senate.

**ROLL CALL**

The question being on the election of Philip Heiling as Second Assistant Secretary of the Senate, the roll was called and there were ayes, 40; nays, 0; absent and not voting, 9.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kolpin	Streibel
Bilden	Kroeber	Strehlow
Blaisdell	Lavik	Stucke
Brostuen	Lian	Thatcher
Cain	Lowe	Thorson
Coffey	Lynn	Topp

Messrs.	Messrs.	Messrs.
Crandall	Magoffin	Trout
Drew	McGillic	Vinje
Ettestad	Mutchler	Watt
Fine	Nelson, Barnes	Whelan
Greene	Nelson, Grand Fks.	Williams
Gronvold	Olson	Wog
Guenther	Owings	Young
Guthrie		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fowler	Hulteng	Lemke
Fredrickson	Johnson	Morrison
Gilbertson	Kamrath	Skarvold

So Philip Heiling was declared elected Second Assistant Secretary of the Senate.

The President administered the oath of office.

Senator Coffey moved the nomination of Howard Goldammer for the position of Senate Bill Clerk.

#### ROLL CALL

The question being on the election of Howard Goldammer as Bill Clerk, the roll was called and there were ayes, 39; nays, 0; absent and not voting, 10.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kroeber	Streibel
Bilden	Lavik	Strehlow
Brostuen	Lemke	Stucke
Cain	Lian	Thatcher
Coffey	Lowe	Thorson
Crandall	Lynn	Topp
Drew	Magoffin	Trout
Ettestad	McGillic	Vinje
Fine	Morrison	Watt
Gilbertson	Nelson, Barnes	Whelan
Gronvold	Nelson, Grand Fks.	Williams
Guenther	Olson	Wog
Kamrath	Owings	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Blaisdell	Guthrie	Kolpin
Fowler	Hulteng	Mutchler
Fredrickson	Johnson	Skarvold
Greene		

So Howard Goldammer was declared elected Bill Clerk.

The President administered the oath of office.

Senator Whelan moved the nomination of Donald Hougen as Page.

ROLL CALL

The question being on the election of Donald Hougen as Page, the roll was called and there were ayes, 44; nays, 0; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Skarvold
Bilden	Kolpin	Streibel
Blaisdell	Lavik	Strehlow
Brostuen	Lemke	Stucke
Cain	Lian	Thatcher
Coffey	Lowe	Thorson
Crandall	Lynn	Topp
Drew	Magoffin	Trout
Ettestad	McGillic	Vinje
Fine	Morrison	Watt
Gilbertson	Mutchler	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young
Johnson	Owings	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fowler	Greene	Kroeber
Fredrickson	Hulteng	

So Donald Hougen was declared elected Page.

Senator Whelan moved the nomination of Edward Osowski as Page.

ROLL CALL

The question being on the election of Edward Osowski as Page, the roll was called, and there were ayes, 44, nays, 0; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Skarvold
Bilden	Kolpin	Streibel
Blaisdell	Lavik	Strehlow
Brostuen	Lemke	Stucke
Cain	Lian	Thatcher
Coffey	Lowe	Thorson
Crandall	Lynn	Topp
Drew	Magoffin	Trout
Ettestad	McGillic	Vinje
Fine	Morrison	Watt
Gilbertson	Mutchler	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young
Johnson	Owings	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fowler	Greene	Kroeber
Fredrickson	Hulteng	

So Edward Osowski was declared elected Page.

Senator Whelan moved the nomination of Glenn Swenson as Page.

### ROLL CALL

The question being on the election of Glenn Swenson as Page, the roll was called and there were eyes 44; nays, 0; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Skarvold
Bilden	Kolpin	Streibel
Blaisdell	Lavik	Strehlow
Brostuen	Lemke	Stucke
Cain	Lian	Thatcher
Coffey	Lowe	Thorson
Crandall	Lynn	Topp
Drew	Magoffin	Trout
Ettestad	McGillic	Vinje
Fine	Morrison	Watt
Gilbertson	Mutchler	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young
Johnson	Owings	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fowler	Greene	Kroeber
Fredrickson	Hulteng	

So Glenn Swenson was declared elected Page.

Senator Whelan moved the nomination of Emil Strand as Assistant Sergeant-at-Arms.

### ROLL CALL

The question being on the election of Emil Strand as Assistant Sergeant-at-Arms, the roll was called and there were eyes, 44; nays, 0; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Skarvold
Bilden	Kolpin	Streibel
Blaisdell	Lavik	Strehlow



Messrs.	Messrs.	Messrs.
Brostuen	Lemke	Stucke
Cain	Lian	Thatcher
Coffey	Lowe	Thorson
Crandall	Lynn	Topp
Drew	Magoffin	Trout
Ettestad	McGillic	Vinje
Fine	Morrison	Watt
Gilbertson	Mutchler	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young
Johnson	Owings	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fowler	Greene	Kroeber
Fredrickson	Hulteng	

So Emil Strand was declared elected Assistant Sergeant-at-Arms.

Senator Whelan moved the nomination of Adolph Fieberger as Janitor.

#### ROLL CALL

The question being on the election of Adolph Fieberger as Janitor, the roll was called and there were ayes, 44; nays, 0; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Skarvold
Bilden	Kolpin	Streibel
Blaisdell	Lavik	Strehlow
Brostuen	Lemke	Stucke
Cain	Lian	Thatcher
Coffey	Lowe	Thorson
Crandall	Lynn	Topp
Drew	Magoffin	Trout
Ettestad	McGillic	Vinje
Fine	Morrison	Watt
Gilbertson	Mutchler	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young
Johnson	Owings	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fowler	Greene	Kroeber
Fredrickson	Hulteng	

So Adolph Fieberger was declared elected Janitor.

Senator Whelan moved the nomination of A. G. Sundfor as Postmaster.

## ROLL CALL

The question being on the election of A. G. Sundfor as Postmaster, the roll was called and there were ayes. 44; nays, 0; absent and not voting 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Skarvold
Bilden	Kolpin	Streibel
Blaisdell	Lavik	Strehlow
Brostuen	Lemke	Stucke
Cain	Lian	Thatcher
Coffey	Lowe	Thorson
Crandall	Lynn	Topp
Drew	Magoffin	Trout
Ettestad	McGillic	Vinje
Fine	Morrison	Watt
Gilbertson	Mutchler	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young
Johnson	Owings	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fowler	Greene	Kroeber
Fredrickson	Hulteng	

So A. G. Sundfor was declared elected Postmaster.

Senator Whelan moved the nomination of Carl J. Larson as Telephone Messenger.

## ROLL CALL

The question being on the election of Carl J. Larson as Telephone Messenger, the roll was called and there were ayes, 44; nays, 0; absent and not voting 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Skarvold
Bilden	Kolpin	Streibel
Blaisdell	Lavik	Strehlow
Brostuen	Lemke	Stucke
Cain	Lian	Thatcher
Coffey	Lowe	Thorson
Crandall	Lynn	Topp
Drew	Magoffin	Trout
Ettestad	McGillic	Vinje
Fine	Morrison	Watt
Gilbertson	Mutchler	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young
Johnson	Owings	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fowler	Greene	Kroeber
Fredrickson	Hulteng	

So Carl J. Larson was declared elected Telephone Messenger.

Senator Whelan moved the nomination of Theodore Thompson as Assistant Mailing Clerk.

### ROLL CALL

The question being on the election of Theodore Thompson as Assistant Mailing Clerk, the roll was called and there were ayes, 44; nays, 0; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Skarvold
Bilden	Kolpin	Streibel
Blaisdell	Lavik	Strehlow
Brostuen	Lemke	Stucke
Cain	Lian	Thatcher
Coffey	Lowe	Thorson
Crandall	Lynn	Topp
Drew	Magoffin	Trout
Ettestad	McGillic	Vinje
Fine	Morrison	Watt
Gilbertson	Mutchler	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young
Johnson	Owings	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fowler	Greene	Kroeber
Fredrickson	Hulteng	

So Theodore Thompson was declared elected Assistant Mailing Clerk.

Senator Whelan moved the nomination of Irvin Smith as Assistant Mailing Clerk.

### ROLL CALL

The question being on the election of Irvin Smith as Assistant Mailing Clerk, the roll was called and there were ayes, 44; nays, 0; absent and not voting 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Skarvold
Bilden	Kolpin	Streibel
Blaisdell	Lavik	Strehlow
Brostuen	Lemke	Stucke

Messrs.	Messrs.	Messrs.
Cain	Lian	Thatcher
Coffey	Lowe	Thorson
Crandall	Lynn	Topp
Drew	Magoffin	Trout
Ettestad	McGillic	Vinje
Fine	Morrison	Watt
Gilbertson	Mutchler	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young
Johnson	Owings	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fowler	Greene	Kroeber
Fredrickson	Hulteng	

So Irvin Smith was declared elected Assistant Mailing Clerk.

Senator Whelan moved the nomination of Torgy Thompson as Doorkeeper.

#### ROLL CALL

The question being on the election of Torgy Thompson as Doorkeeper, the roll was called and there were ayes, 44; nays, 0; absent and not voting 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Skarvold
Bilden	Kolpin	Streibel
Blaisdell	Lavik	Strehlow
Brostuen	Lemke	Stucke
Cain	Lian	Thatcher
Coffey	Lowe	Thorson
Crandall	Lynn	Topp
Drew	Magoffin	Trout
Ettestad	McGillic	Vinje
Fine	Morrison	Watt
Gilbertson	Mutchler	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young
Johnson	Owings	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fowler	Greene	Kroeber
Fredrickson	Hulteng	

So Torgy Thompson was declared elected Doorkeeper.

Senator Whelan moved the nomination of Nels Johnson as Doorkeeper.

ROLL CALL

The question being on the election of Nels Johnson as Door-keeper, the roll was called and there were ayes, 44; nays, 0; absent and not voting 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Skarvold
Bilden	Kolpin	Streibel
Blaisdell	Lavik	Strehlow
Brostuen	Lemke	Stucke
Cain	Lian	Thatcher
Coffey	Lowe	Thorson
Crandall	Lynn	Topp
Drew	Magoffin	Trout
Ettestad	McGillic	Vinje
Fine	Morrison	Watt
Gilbertson	Mutchler	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young
Johnson	Owings	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fowler	Greene	Kroeber
Fredrickson	Hulteng	

So Nels Johnson was declared elected Doorkeeper.

Senator Whelan moved the nomination of Miriam Taylor as Clerk.

ROLL CALL

The question being on the election of Miriam Taylor as Clerk, the roll was called and there were ayes, 44; nays, 0; absent and not voting 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Skarvold
Bilden	Kolpin	Streibel
Blaisdell	Lavik	Strehlow
Brostuen	Lemke	Stucke
Cain	Lian	Thatcher
Coffey	Lowe	Thorson
Crandall	Lynn	Topp
Drew	Magoffin	Trout
Ettestad	McGillic	Vinje
Fine	Morrison	Watt
Gilbertson	Mutchler	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young
Johnson	Owings	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fowler	Greene	Kroeber
Fredrickson	Hulteng	

So Miriam Taylor was declared elected Clerk.

Senator Whelan moved the nomination of Clarence Anderson as Clerk.

### ROLL CALL

The question being on the election of Clarence Anderson as Clerk, the roll was called and there were ayes, 44; nays, 0; absent and not voting 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Skarvold
Bilden	Kolpin	Streibel
Blaisdell	Lavik	Strehlow
Brostuen	Lemke	Stucke
Cain	Lian	Thatcher
Coffey	Lowe	Thorson
Crandall	Lynn	Topp
Drew	Magoffin	Trout
Ettestad	McGillic	Vinje
Fine	Morrison	Watt
Gilbertson	Mutchler	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young
Johnson	Owings	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fowler	Greene	Kroeber
Fredrickson	Hulteng	

So Clarence Anderson was declared elected Clerk.

Senator Whelan moved the nomination of Ruth Smith as Stenographer.

### ROLL CALL

The question being on the election of Ruth Smith as Stenographer, the roll was called and there were ayes 44; nays, 0; absent and not voting 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Skarvold
Bilden	Kolpin	Streibel
Blaisdell	Lavik	Strehlow
Brostuen	Lemke	Stucke

Messrs.	Messrs.	Messrs.
Cain	Lian	Thatcher
Coffey	Lowe	Thorson
Crandall	Lynn	Topp
Drew	Magoffin	Trout
Ettestad	McGillic	Vinje
Fine	Morrison	Watt
Gilbertson	Mutchler	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young
Johnson	Owings	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fowler	Greene	Kroeber
Fredrickson	Hulteng	

So Ruth Smith was declared elected Stenographer.

Senator Whelan moved the nomination of Betty Boyle as Stenographer.

#### ROLL CALL

The question being on the election of Betty Boyle as Stenographer, the roll was called and there were ayes, 44; nays, 0; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Skarvold
Bilden	Kolpin	Streibel
Blaisdell	Lavik	Strehlow
Brostuen	Lemke	Stucke
Cain	Lian	Thatcher
Coffey	Lowe	Thorson
Crandall	Lynn	Topp
Drew	Magoffin	Trout
Ettestad	McGillic	Vinje
Fine	Morrison	Watt
Gilbertson	Mutchler	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young
Johnson	Owings	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fowler	Greene	Kroeber
Fredrickson	Hulteng	

So Betty Boyle was declared elected Stenographer.

Senator Whelan moved the nomination of Jennie Fisher as Stenographer.

## ROLL CALL

The question being on the election of Jennie Fisher as Stenographer, the roll was called and there were ayes, 44; nays, 0; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Skarvold
Bilden	Kolpin	Streibel
Blaisdell	Lavik	Strehlow
Brostuen	Lemke	Stucke
Cain	Lian	Thatcher
Coffey	Lowe	Thorson
Crandall	Lynn	Topp
Drew	Magoffin	Trout
Ettestad	McGillic	Vinje
Fine	Morrison	Watt
Gilbertson	Mutchler	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young
Johnson	Owings	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fowler	Greene	Kroeber
Fredrickson	Hulteng	

So Jennie Fisher was declared elected Stenographer.

Senator Whelan moved the nomination of S. B. Salverson as Chief Mailing Clerk.

## ROLL CALL

The question being on the election of S. B. Salverson as Chief Mailing Clerk, the roll was called and there were ayes, 44; nays, 0; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Skarvold
Bilden	Kolpin	Streibel
Blaisdell	Lavik	Strehlow
Brostuen	Lemke	Stucke
Cain	Lian	Thatcher
Coffey	Lowe	Thorson
Crandall	Lynn	Topp
Drew	Magoffin	Trout
Ettestad	McGillic	Vinje
Fine	Morrison	Watt
Gilbertson	Mutchler	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young
Johnson	Owings	



Absent and not voting:

Messrs.	Messrs.	Messrs.
Fowler	Greene	Kroeber
Fredrickson	Hulteng	

So S. B. Salverson was declared elected Chief Mailing Clerk.

Senator Whelan moved the nomination of H. W. Anderberg as Proofreader.

### ROLL CALL

The question being on the election of H. W. Anderberg as Proofreader, the roll was called and there were ayes, 44; nays, 0; absent and not voting 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Skarvold
Bilden	Kolpin	Streibel
Blaisdell	Lavik	Strehlow
Brostuen	Lemke	Stucke
Cain	Lian	Thatcher
Coffey	Lowe	Thorson
Crandall	Lynn	Topp
Drew	Magoffin	Trout
Ettestad	McGillic	Vinje
Fine	Morrison	Watt
Gilbertson	Mutchler	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young
Johnson	Owings	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fowler	Greene	Kroeber
Fredrickson	Hulteng	

So H. W. Anderberg was declared elected Proofreader.

The President administered the oath of office to Donald Hougen, Glen Swenson, Emil Strand, A. G. Sundfor, Theodore Thompson, Betty Boyle, Ruth Smith, Carl J. Larson, S. B. Salverson and Miriam Taylor.

Senator Whelan, Chairman of the Employment Committee, announced that the Committee on Employment was informed by the Democratic members that the distribution of patronage was to be on the following basis: Four-sevenths to the Langer-Democrat coalition; two-sevenths to the Welford faction, and one-seventh to the Republicans.

Senator Thatcher moved that the Committee on Employment recognize the precedent established, by giving preference to old members in the selection of employees, and that the committee use its best efforts to carry this out.

Senator Stucke moved that the Senate do now adjourn.

Which motion prevailed.

The Senate stood adjourned.

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SECOND DAY

Senate Chamber,  
Bismarck, North Dakota.  
January 6, 1937.

The Senate convened at 2:00 o'clock P. M., pursuant to adjournment, the President presiding.

Prayer by the Chaplain, Rev. Opie S. Rindahl.

ROLL CALL

All Senators were present except Senators Fowler and Hulteng.

The President announced that a quorum was present.

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

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

In line 8, page 1, correct inverted comma in word "o'clock."

And when so amended recommend that the same be approved.

MILTON R. YOUNG,  
Chairman.

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

Senator Whelan, Chairman of the Employment Committee, submitted the following schedule of nominations for legislative chaplains, and moved its adoption.

Which motion prevailed.

Senate schedule for Legislative Chaplains including Mandan and Bismarck Ministers, 1937:

Rev. Rindahl—Jan. 5, 6, 7, 8.  
Rev. Vater—January 9, 10, 11, 12.  
Rev. Johns, Jan. 13, 14, 15, 16.  
Rev. H. Smith—Jan. 17, 18, 19, 20.  
Rev. Lemke—Jan. 21, 22, 23, 24.  
Rev. Ellsworth—Jan. 25, 26, 27, 28.  
Rev. R. Smith—Jan. 29, 30, 31, Feb. 1.  
Fr. Hildebrand—Feb. 2, 3, 4, 5.  
Rev. Stewart—Feb. 6, 7, 8, 9.

Rev. Andvik—Feb. 10, 11, 12, 13.  
 Fr. Feehan—Feb. 14, 15, 16, 17.  
 Rev. Henry—Feb. 18, 19, 20, 21.  
 Rev. Schlipf—Feb. 22, 23, 24, 25.  
 Rev. Jackson—Feb. 26, 27, 28, Mar. 1.  
 Rev. Logee—Mar. 2, 3, 4, 5.

### ROLL CALL

The question being on the election of Legislative Chaplains, the roll was called and there were ayes, 47; nays, 0; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Owings
Bilden	Kamrath	Skarvold
Blaisdell	Kolpin	Streibel
Brostuen	Kroeber	Strehlow
Cain	Lavik	Stucke
Coffey	Lemke	Thatcher
Crandall	Lian	Thorson
Drew	Lowe	Topp
Ettestad	Lynn	Trout
Fine	Magoffin	Vinje
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young
Guthrie	Olson	

Absent and not voting:

Messrs.	Messrs.
Fowler	Hulteng

A committee from the House notified the Senate that the House was now ready to receive the Senate in joint session.

Senator Ettestad moved that the Senate do now recess to go into joint session with the House.

Which motion prevailed.

The Senate reconvened following the close of joint session, pursuant to recess taken.

The President administered the oath of office to H. W. Anderberg.

Senator Ettestad moved that the President appoint a committee of three to act with a like committee from the House to ascertain the number of Journals that will be required.

Which motion prevailed.

Senator Gilbertson reported that the committee appointed to make arrangements for committee rooms had taken the matter up with Supt. E. M. Nelson and the committee rooms would be ready tomorrow.

Senator Johnson reported that the committee appointed to act with a like committee from the House relative to the joint session had completed its business and requested that they be discharged.

Which request was granted.

Senator Trout reported that the committee appointed to arrange for stationery and supplies for the Senate had performed their duty and requested that they be discharged.

Which request was granted.

#### COURTESIES OF THE FLOOR

The courtesies of the floor were extended to: Mrs. Fred J. Fredrickson, Valley City; A. J. McInnes, Fargo; Frayne Baker, Bismarck.

Senator Johnson moved that the Senate do now recess until 1:30 p. m., tomorrow.

Which motion prevailed.

The Senate stood recessed.

THOMAS McDONALD,  
Secretary.

## SECOND DAY AFTER RECESS AND THIRD DAY

Senate Chamber,  
Bismarck, North Dakota,  
January 7, 1937.

The Senate re-assembled at 1:30 p. m., pursuant to recess taken, the President presiding.

The President appointed the following committee to confer with a like committee from the House relative to the number of House and Senate Journals required: Senators Strehlow, Crandall and Johnson.

Senator Cain requested that the Senate return to the 7th order of business.

Which request was granted.

Senator Cain:

"I move that all members of the Senate whose business affairs may require their presence at home at this time be, in view of the fact that committees cannot be made up until the end of the week or the first of next week, excused until Monday, January 11, at 1:00 o'clock, and any matter upon which action is taken in the meantime may be within the legislative day of January 11, reconsidered upon a majority vote, the rules being to that extent suspended, and provided further that no vote upon any issue will be taken prior to January 11, if objection is made thereto by any member."

Which motion prevailed.

Senator Guthrie introduced the following resolution to appoint the official photographer for the Senate of the Twenty-fifth Legislative Assembly of the State of North Dakota:

WHEREAS, it has been the custom of all assemblies of the North Dakota Senate to have a group photograph of the individual members hung in the Senate Chambers; and

WHEREAS, the Rembrandt Studio of Bismarck offers to make such a group and hang it, framed, in the Senate Chambers at a cost of \$1.00 for each individual in the group;

THEREFORE, BE IT RESOLVED, that the Rembrandt

Studio of Bismarck, North Dakota, be and is hereby appointed official photographers for the Senate of the Twenty-fifth Legislative Assembly of the State of North Dakota.

BE IT FURTHER RESOLVED, that the Rembrandt Studio of Bismarck, North Dakota, be and is hereby awarded the sole privilege of photographing members of the Senate of the Twenty-fifth Legislative Assembly on the floor of the Senate Chambers.

Senator Guthrie moved the adoption of the resolution.

Senator Thorson moved, as a substitute motion, that the President appoint a committee to confer with local photographers relative to the appointment of official photographer for the Senate.

Which motion prevailed.

The President appointed the following committee: Senators Guthrie, Thorson and Ettestad.

Senator Nelson presented the following resolution:

#### SENATE RESOLUTION

WHEREAS, John L. Hulteng was elected a member of the Senate from the Seventh Legislative District; and

WHEREAS, because of illness he is unable to attend the sessions of the Senate;

NOW, THEREFORE, BE IT RESOLVED, by the members of the Senate of the State of North Dakota, that we express to Senator Hulteng our sincere wish and desire for his speedy recovery.

Senator Nelson moved the resolution be adopted.

Which motion prevailed, and the resolution was adopted.

Senator Strehlow presented the following resolution:

#### SENATE RESOLUTION

WHEREAS, Arthur W. Fowler was elected a member of the Senate from the Ninth Legislative District; and

WHEREAS, because of illness he is unable to attend the sessions of the Senate;

NOW, THEREFORE, BE IT RESOLVED, by the members of the Senate of the State of North Dakota, that we express to Senator Fowler our sincere wish and desire for his speedy recovery.

Senator Strehlow moved the adoption of the resolution.

Which motion prevailed, and the resolution was adopted.

Senator Whelan moved that the vote by which Adolph Fieberger was elected Janitor be reconsidered.

Which motion prevailed.

Senator Whelan moved that the name of E. B. Ressler of

Cooperstown, be substituted for the name of Adolph Fieberger to act as Senate Janitor.

Which motion prevailed.

ROLL CALL

The question being on the election of E. B. Ressler of Cooperstown, as Janitor, the roll was called and there were ayes, 43; nays, 0; absent and not voting, 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kolpin	Skarvold
Bilden	Kroeber	Streibel
Blaisdell	Lavik	Strehlow
Brostuen	Lian	Stucke
Cain	Lowe	Thatcher
Coffey	Lynn	Thorson
Crandall	Magoffin	Topp
Drew	McGillic	Trout
Ettestad	Morrison	Vinje
Gilbertson	Mutchler	Watt
Greene	Nelson, Barnes	Whelan
Gronvold	Nelson, Grand Fks.	Williams
Guenther	Olson	Wog
Guthrie	Owings	Young
Johnson		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fine	Fredrickson	Kamrath
Fowler	Hulteng	Lemke

So E. B. Ressler was declared elected Janitor.

Senator Whelan moved the nomination of Myrtle Topp of Grace City for the position of clerk.

ROLL CALL

The question being on the election of Myrtle Topp as Clerk of the Senate, the roll was called and there were ayes, 43; nays, 0; absent and not voting, 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kolpin	Skarvold
Bilden	Kroeber	Streibel
Blaisdell	Lavik	Strehlow
Brostuen	Lian	Stucke
Cain	Lowe	Thatcher
Coffey	Lynn	Thorson
Drew	Magoffin	Topp
Ettestad	McGillic	Trout
Fredrickson	Morrison	Vinje
Gilbertson	Mutchler	Watt
Greene	Nelson, Barnes	Whelan
Gronvold	Nelson, Grand Fks.	Williams

Messrs.  
Guenther  
Guthrie  
Johnson

Messrs.  
Olson  
Owings

Messrs.  
Wog  
Young

Absent and not voting:

Messrs.  
Crandall  
Fine

Messrs.  
Fowler  
Hulteng

Messrs.  
Kamrath  
Lemke

So Myrtle Topp was declared elected Senate Clerk.

The President administered the oath of office to the following employees: Jennie Fisher, E. B. Ressler, Clarence Anderson and Nels Johnson.

Senator Gronvold moved that the absent members be excused.

Which motion prevailed.

Senator Gronvold moved that the Senate do now adjourn.

Which motion prevailed and the Senate stood adjourned.

THOMAS McDONALD,  
Secretary.

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### THIRD DAY

Senate Chamber,  
Bismarck, North Dakota,  
January 7, 1937.

The Senate convened at 2:00 p. m., the President presiding.

Prayer by the Chaplain, Rev. Opie S. Rindahl.

Roll call.

All Senators present except Senators Hulteng, Fine and Fowler.

Senator Brostuen moved that the absent Senators 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 after Recess and Second Day, and recommend that the same be corrected as follows:

On page 2, line 22, strike out the figures "45" and insert the figures "46".



On page 6, in lines 13, 17 and 41 correct spelling of "Glenn."

On page 7, line 3, insert the word "Assistant" before the word "Sergeant."

On page 7, line 27, insert the word "Assistant" following the word "elected."

On page 15, lines 2, 6 and 30, correct spelling of "Salverson."

On page 16, line 17, strike out the word "and."

On page 16, line 18, correct spelling of "Salverson," strike out the period and insert the following: "and Miriam Taylor."

And when so amended recommend that the same be approved.

MILTON R. YOUNG,  
Chairman.

Senator Young moved that the report be adopted.

Which motion prevailed and the report was adopted.

Senator Strehlow, chairman of the joint committee appointed to confer with a like committee from the House to ascertain the number of Journals required, made the following report:

Mr. President: Your joint committee appointed to confer with a like committee from the House beg leave to report as follows:

We recommend the printing of 4,000 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, ten copies of this Journal; and that in addition thereto there be placed on the mailing list all state institutions, public libraries, State Historical society, high schools, consolidated rural schools, all county judges, county auditors, the auditor of each incorporated city, the president of the village council of each incorporated village; and any newspapers published in the state, and by request any farmers' club, commercial club, or women's club within the state, the secretaries of Taxpayers' associations and labor clubs in the State, may be placed on the mailing list at the request of any member of either House; that all Bills and Journals authorized by this resolution to be printed shall be delivered by the printer direct to the secretary of the Publication and Printing Commission, who shall receipt therefor to the printer.

That we recommend that each member of the Senate hand to the chairman of this committee a list of names and addresses to whom he wishes copies mailed, such list to be handed by the chairman to the mailing clerk.

And we would recommend that there be printed 300 copies of the Permanent Journals, the 300 copies of the Permanent Journals herein provided for to be distributed as follows:

One copy to each member of the respective Houses and the

balance to be delivered to the office of the Secretary of State and by him to be distributed as provided by law.

There is also to be printed 500 copies of each Bill introduced in either House.

For the Senate:

MAX H. STREHLOW, Chm.  
MELVIN P. JOHNSON  
JOHN CRANDALL.

For the House:

GUST A. SCHAUSS, Chm.  
CHARLES OLSON, Bowman  
KENNETH FITCH.

Senator Strehlow moved the adoption of the report.

### ROLL CALL

The question being on the adoption of the report, the roll was called and there were ayes, 46; nays, 0; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Owings
Bilden	Kolpin	Skarvold
Blaisdell	Kroeber	Streibel
Brostuen	Lavik	Strehlow
Cain	Lemke	Stucke
Coffey	Lian	Thatcher
Crandall	Lowe	Thorson
Drew	Lynn	Topp
Ettestad	Magoffin	Trout
Fredrickson	McGillic	Vinje
Gilbertson	Morrison	Watt
Greene	Mutchler	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young
Johnson		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fine	Fowler	Hulteng

So the motion prevailed and the report was adopted.

Senator Thatcher presented the following partial report of the Committee on Rules:

Mr. President: Your Committee on Rules makes a partial report and recommends that Rule 16, entitled "Committees" be amended and re-enacted to read as follows:

### COMMITTEES

16. The Senate shall appoint a committee on committees, consisting of seven, one of whom shall be the President of

the Senate, or in his absence or inability to act, the President Pro Tem. Such committee shall appoint the following standing committees:

- On judiciary, to consist of seventeen members.
- On education, to consist of eleven members.
- On elections, to consist of nine members.
- On appropriations, to consist of seventeen members.
- On railroads, to consist of thirteen members.
- On state affairs, to consist of seventeen members.
- On public lands, to consist of seven members.
- On ways and means, to consist of nine members.
- On agriculture and livestock, to consist of fifteen members.
- On warehousing, grain and grain grading, to consist of eleven members.
- On counties, to consist of seven members.
- On engrossment and enrollment, to consist of five members.
- On banks and banking, to consist of fifteen members.
- On corporations, to consist of fifteen members.
- On military and Indian affairs, to consist of nine members.
- On immigration and statistics, to consist of eleven members.
- On federal relations, to consist of seven members.
- On insurance, to consist of eleven members.
- On public printing, to consist of seven members.
- On public health, to consist of nine members.
- On public safety, to consist of nine members.
- On temperance, to consist of eleven members.
- On mines and minerals, to consist of nine members.
- On rules, to consist of five members.
- On highways, bridges and ferries, to consist of eleven members.
- On irrigation and drainage, to consist of nine members.
- On apportionment, to consist of twenty-three members.
- On women and children's welfare, to consist of nine members.
- On game and fish, to consist of eleven members.
- On taxes and tax laws, to consist of fifteen members.

On revision and correction of the Journal, to consist of three members.

Also,

**JOINT COMMITTEES ON THE FOLLOWING SUBJECTS**

On public buildings, to consist of seven members.

On charitable institutions, to consist of seven members.

On penal institutions, to consist of seven members.

On educational institutions, to consist of seven members.

On state library, to consist of seven members.

On joint rules, to consist of seven members.

On insurance, to consist of seven members.

On labor, to consist of seven members.

On public safety, to consist of nine members.

On delayed bills, to consist of five members.

Members of the Committee:

WM. A. THATCHER, Chm.

C. C. MORRISON

G. W. KOLPIN

GEORGE V. COFFEY

W. J. TROUT

HARRY C. LYNN.

Senator Thatcher, chairman of the committee, moved the adoption of the above report, which motion prevailed, and the report was adopted.

Senator Brostuen asked that the following resolution be read from the desk and given immediate consideration:

**SENATE CONCURRENT RESOLUTION "A"**

Introduced by Senators Brostuen, Thatcher, Thorson and Owings

WHEREAS, a very serious emergency exists, due to a total crop failure in more than two-thirds of the counties of the state in 1936, which left our farmers entirely without feeds, both grains and hay, to care for their livestock needs, and which made it necessary for them to dispose of all surplus livestock except a few milk cows, brood sows, poultry and work horses; and

WHEREAS, all the farmers in the early fall of 1936 were lead to believe that emergency feed loans would be made available to them by the Resettlement Administration or by other Federal relief agencies to provide feed for their subsistence and foundation stock, and

WHEREAS, hundreds of farmers did make application to

the Resettlement Administration for such emergency feed loans; and

WHEREAS, due to the exhaustion of funds made available to the Resettlement Administration by the Congress of the United States for such emergency relief purposes, further grants for feed loans have not been made, which fact has created conditions among our farmers that are intolerable and unbearable in that large numbers of subsistence and foundation livestock are in dire danger of complete destruction by starvation, and

WHEREAS, the farmers feed supplies on hundreds of farms are now entirely exhausted; and

WHEREAS, severe cold weather and blizzards which have raged across our prairies the last two weeks have seriously aggravated the situation, and

WHEREAS, our farmers due to a series of crop failures and depressed prices are entirely without means to care for their livestock needs; and

WHEREAS, due to the general depression and non-payment of taxes, our state and local governments are unable to cope with the situation, and

WHEREAS, there must be some form of immediate aid given these farmers to assist them to feed the remaining stock they have, and if this is not done they will lose what stock they have left, and they will not be able to carry on when spring comes and remain self-supporting, but instead will be thrown on relief to a greater extent than the immediate assistance that should be given them at this time,

NOW THEREFORE, be it resolved by the Senate of the State of North Dakota; the House of Representatives concurring, that we call to the attention of our representatives in congress, the Secretary of Agriculture, the Resettlement Administration and the Federal Relief Administration, the serious emergency now existing in our state, and urge upon the President and the Congress to make immediately available funds to meet this emergency condition either by appropriation by Congress or by the issuance of such executive order as may be necessary to obtain for our farmers the feed necessary to save their livestock and carry them through the winter months.

BE IT FURTHER RESOLVED, that the Secretary of State be instructed to forward copies of this resolution to our Senators and Representatives in Congress, the Secretary of Agriculture, the Resettlement Administration and the Federal Relief Administration, all in Washington, D. C.

Senator Brostuen moved that the resolution be adopted, which motion prevailed, and the resolution was adopted.

Senator Brostuen moved that the vote by which Senate Concurrent Resolution "A" was adopted be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

## MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
January 7, 1937.

Mr. Speaker: I have the honor to transmit herewith Senate Concurrent Resolution "A".

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

Very respectfully,

THOMAS McDONALD,  
Secretary.

## MESSAGE FROM THE HOUSE

House Chamber,  
Bismarck, North Dakota,  
January 7, 1937.

Mr. President: I have the honor to inform you that the House has adopted House Concurrent Resolution "A" and your favorable consideration is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House Concurrent Resolution "A" was read from the desk.

Senator Cain moved the adoption of House Concurrent Resolution "A".

Which motion prevailed.

Senator Ettestad moved the nomination of Senator Wog to act as President pro tem of the Senate.

## ROLL CALL

The question being on the election of Senator Wog as President pro tem of the Senate, the roll was called and there were ayes, 43; nays, 0; passed, 1; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Owings
Bilden	Kolpin	Skarvold
Blaisdell	Kroeber	Streibel
Brostuen	Lavik	Strehlow
Cain	Lemke	Stucke
Coffey	Lian	Thatcher
Drew	Lowe	Thorson
Ettestad	Lynn	Topp
Fredrickson	Magoffin	Vinje
Gilbertson	McGillic	Watt
Greene	Morrison	Whelan
Gronvold	Mutchler	Williams
Guenther	Nelson, Barnes	

Messrs.	Messrs.	Messrs.
Guthrie	Nelson, Grand Fks.	Young
Johnson	Olson	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Crandall	Fowler	Trout
Fine	Hulteng	

Passed:

Messrs.  
Wog

So Senator Wog was declared elected.

The President administered the oath of office to Senator Wog as President pro tem of the Senate.

Senator Stucke: "Now, if the duly elected President pro tem of the Senate thinks he is going to get out of this without giving us a talk, he is mistaken."

Senator Wog: "Mr. President, Members of the Senate: I believe Mr. Stucke is going to be disappointed, if he thinks that I am going to give him an honest to goodness speech. But I assure you that I greatly appreciate the honor bestowed upon me by electing me President pro tem, and if the presiding officer sees fit at some time to ask me to preside, I assure you that you will all receive the same consideration. I thank you again for this honor, and if there is any more speech making to be done I will delegate that to Senator Stucke. (Applause).

Senator Olson presented a resolution on behalf of the Holiday Association and County Commissioners of Mountrail County describing conditions in that county and their need for immediate relief.

Senator Olson moved that the resolution be referred to the proper committee as soon as appointed.

Which motion prevailed.

The President administered the oath of office to Edward Osowski as Page.

#### COURTESIES OF THE FLOOR

The courtesies of the floor were extended to:

Mr. and Mrs. Walter J. Walsh of Jamestown, North Dakota.

Senator Thatcher moved that the Senate do now recess until 1:30 o'clock P. M., tomorrow.

Which motion prevailed.

The Senate stood recessed.

THOMAS McDONALD,  
Secretary.

## THIRD DAY AFTER RECESS AND FOURTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
January 8, 1937.

The Senate reassembled at 1:30 p. m., pursuant to recess taken, the President presiding.

Senator Whelan requested that the Senate return to the Fifth Order of Business.

Which request was granted.

Senator Whelan moved the nomination of Jake Forster of Richardton as Doorkeeper.

## ROLL CALL

The question being on the employment of Jake Forster as Doorkeeper, the roll was called and there were ayes, 40; nays, 0; absent and not voting, 9.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Owings
Bilden	Kolpin	Skarvold
Blaisdell	Kroeber	Streibel
Cain	Lavik	Strehlow
Coffey	Lemke	Stucke
Crandall	Lian	Thorson
Drew	Lowe	Topp
Ettestad	Magoffin	Vinje
Fredrickson	McGillic	Watt
Greene	Morrison	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young
Johnson		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Gilbertson	Mutchler
Fine	Hulteng	Thatcher
Fowler	Lynn	Trout

So Jake Forster was declared elected Doorkeeper.



Senator Whelan moved the nomination of Clara Rishling of Sherwood as Clerk.

### ROLL CALL

The question being on the employment of Clara Rishling as Clerk, the roll was called and there were ayes, 40; nays, 0; absent and not voting 9.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Owings
Bilden	Kolpin	Skarvold
Blaisdell	Kroeber	Streibel
Cain	Lavik	Strehlow
Coffey	Lemke	Stucke
Crandall	Lian	Thorson
Drew	Lowe	Topp
Ettestad	Magoffin	Vinje
Fredrickson	McGillic	Watt
Greene	Morrison	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young
Johnson		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Gilbertson	Mutchler
Fine	Hulteng	Thatcher
Fowler	Lynn	Trout

So Clara Rishling was declared elected Clerk.

Senator Whelan moved the nomination of Olga Christianson of Harmon as Stenographer.

### ROLL CALL

The question being on the election of Olga Christianson as Stenographer, the roll was called and there were ayes, 40; nays, 0; absent and not voting, 9.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Owings
Bilden	Kolpin	Skarvold
Blaisdell	Kroeber	Streibel
Cain	Lavik	Strehlow
Coffey	Lemke	Stucke
Crandall	Lian	Thorson
Drew	Lowe	Topp
Ettestad	Magoffin	Vinje
Fredrickson	McGillic	Watt
Greene	Morrison	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young
Johnson		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Gilbertson	Mutchler
Fine	Hulteng	Thatcher
Fowler	Lynn	Trout

So Olga Christianson was declared elected Stenographer.

Senator Whelan moved the nomination of Jacob Lutz of Havelock as Janitor.

#### ROLL CALL

The question being on the election of Jacob Lutz as Janitor, the roll was called and there were ayes, 40; nays, 0; absent and not voting, 9.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Owings
Bilden	Kolpin	Skarvold
Blaisdell	Kroeber	Streibel
Cain	Lavik	Strehlow
Coffey	Lemke	Stucke
Crandall	Lowe	Thorson
Drew	Lynn	Topp
Ettestad	Magoffin	Vinje
Fredrickson	McGillic	Watt
Greene	Morrison	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young
Johnson		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Gilbertson	Mutchler
Fine	Hulteng	Thatcher
Fowler	Lian	Trout

So Jacob Lutz was declared elected Janitor.

Senator Whelan moved the nomination of G. Sundfor of Watford City as Clerk.

#### ROLL CALL

The question being on the election of G. Sundfor as Clerk, the roll was called and there were ayes, 40; nays, 0; absent and not voting 9.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Owings
Bilden	Kolpin	Skarvold
Blaisdell	Kroeber	Streibel
Cain	Lavik	Strehlow
Coffey	Lemke	Stucke

Messrs.	Messrs.	Messrs.
Crandall	Lian	Thorson
Drew	Lowe	Topp
Ettestad	Magoffin	Vinje
Fredrickson	McGillic	Watt
Greene	Morrison	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young
Johnson		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Gilbertson	Mutchler
Fine	Hulteng	Thatcher
Fowler	Lynn	Trout

So G. Sundfor was declared elected Clerk.

Mr. Whelan moved the nomination of Henry Jacobson of Cando as Messenger.

#### ROLL CALL

The question being on the election of Henry Jacobson of Cando as Messenger, the roll was called and there were ayes, 40; nays, 0; absent and not voting, 9.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Owings
Bilden	Kolpin	Skarvold
Blaisdell	Kroeber	Streibel
Cain	Lavik	Strehlow
Coffey	Lemke	Stucke
Crandall	Lian	Thorson
Drew	Lowe	Topp
Ettestad	Magoffin	Vinje
Fredrickson	McGillic	Watt
Greene	Morrison	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young
Johnson		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Gilbertson	Mutchler
Fine	Hulteng	Thatcher
Fowler	Lynn	Trout

So Henry Jacobson was declared elected Messenger.

Senator Whelan moved the nomination of E. G. Monson of Litchville as Messenger.

#### ROLL CALL

The question being on the election of E. G. Monson of Litch-

ville as Messenger, the roll was called and there were ayes, 40; nays, 0; absent and not voting 9.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Owings
Bilden	Kolpin	Skarvold
Blaisdell	Kroeber	Streibel
Cain	Lavik	Strehlow
Coffey	Lemke	Stucke
Crandall	Lian	Thorson
Drew	Lowe	Topp
Ettestad	Magoffin	Vinje
Fredrickson	McGillic	Watt
Greene	Morrison	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young
Johnson		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Gilbertson	Mutchler
Finé	Hulteng	Thatcher
Fowler	Lynn	Trout

So E. G. Monson was declared elected Messenger.

Senator Whelan moved the nomination of Jake Goll of Danzig as Messenger.

#### ROLL CALL

The question being on the election of Jake Goll as Messenger, the roll was called and there were ayes, 40; nays, 0; absent and not voting, 9.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Owings
Bilden	Kolpin	Skarvold
Blaisdell	Kroeber	Streibel
Cain	Lavik	Strehlow
Coffey	Lemke	Stucke
Crandall	Lian	Thorson
Drew	Lowe	Topp
Ettestad	Magoffin	Vinje
Fredrickson	McGillic	Watt
Greene	Morrison	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young
Johnson		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Gilbertson	Mutchler

Messrs.	Messrs.	Messrs.
Fine	Hulteng	Thatcher
Fowler	Lynn	Trout

So Jake Goll was declared elected Messenger.

Senator Whelan moved the nomination of John Spitzer of Tappen as Janitor.

### ROLL CALL

The question being on the election of John Spitzer as Janitor, the roll was called and there were ayes, 40; nays, 0; absent and not voting, 9.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Owings
Bilden	Kolpin	Skarvold
Blaisdell	Kroeber	Streibel
Cain	Lavik	Strehlow
Coffey	Lemke	Stucke
Crandall	Lian	Thorson
Drew	Lowe	Topp
Ettestad	Magoffin	Vinje
Fredrickson	McGillic	Watt
Greene	Morrison	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young
Johnson		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Gilbertson	Mutchler
Fine	Hulteng	Thatcher
Fowler	Lynn	Trout

So John Spitzer was declared elected Janitor.

Mr. Whelan moved the nomination of Helen Sing of Fargo as Enrolling and Engrossing Clerk.

### ROLL CALL

The question being on the election of Helen Sing as Enrolling and Engrossing Clerk, the roll was called and there were ayes, 40; nays, 0; absent and not voting, 9.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Owings
Bilden	Kolpin	Skarvold
Blaisdell	Kroeber	Streibel
Cain	Lavik	Strehlow
Coffey	Lemke	Stucke
Crandall	Lian	Thorson
Drew	Lowe	Topp
Ettestad	Magoffin	Vinje

Fredrickson	McGillic	Watt
Greene	Morrison	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young
Johnson		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Gilbertson	Mutchler
Fine	Hulteng	Thatcher
Fowler	Lynn	Trout

So Helen Sing was declared elected Enrolling and Engrossing Clerk.

Senator Whelan moved the nomination of Earl Anderson of Lisbon as Messenger.

#### ROLL CALL

The question being on the election of Earl Anderson as Messenger, the roll was called and there were ayes, 40; nays, 0; absent and not voting 9.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Owings
Bilden	Kolpin	Skarvold
Blaisdell	Kroeber	Streibel
Cain	Lavik	Strehlow
Coffey	Lemke	Stucke
Crandall	Lian	Thorson
Drew	Lowe	Topp
Ettestad	Magoffin	Vinje
Fredrickson	McGillic	Watt
Greene	Morrison	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young
Johnson		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Gilbertson	Mutchler
Fine	Hulteng	Thatcher
Fowler	Lynn	Trout

So Earl Anderson was declared elected Messenger.

Senator Whelan moved the nomination of Anna Zurcher of Russell as Clerk.

#### ROLL CALL

The question being on the election of Anna Zurcher as Clerk, the roll was called and there were ayes, 40; nays, 0; absent and not voting 9.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Owings
Bilden	Kolpin	Skarvold
Blaisdell	Kroeber	Streibel
Cain	Lavik	Strehlow
Coffey	Lemke	Stucke
Crandall	Lian	Thorson
Drew	Lowe	Topp
Ettestad	Magoffin	Vinje
Fredrickson	McGillic	Watt
Greene	Morrison	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young
Johnson		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Gilbertson	Mutchler
Fine	Hulteng	Thatcher
Fowler	Lynn	Trout

So Anna Zurcher was declared elected Clerk.

Senator Whelan moved the nomination of Z. Vlassoff of Beach as Janitor.

### ROLL CALL

The question being on the election of Z. Vlassoff as Janitor, the roll was called and there were ayes, 40; nays 0; absent and not voting 9.

Those voting in the affirmative were:

Aasen	Kamrath	Owings
Bilden	Kolpin	Skarvold
Blaisdell	Kroeber	Streibel
Cain	Lavik	Strehlow
Coffey	Lemke	Stucke
Crandall	Lian	Thorson
Drew	Lowe	Topp
Ettestad	Magoffin	Vinje
Fredrickson	McGillic	Watt
Greene	Morrison	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young
Johnson		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Gilbertson	Mutchler
Fine	Hulteng	Thatcher
Fowler	Lynn	Trout

So Z. Vlassoff was declared elected Janitor.

Senator Whelan moved the nomination of J. T. Fettig of Orrin as Doorkeeper.

### ROLL CALL

The question being on the election of J. T. Fettig as Doorkeeper, the roll was called and there were ayes, 40; nays, 0; absent and not voting 9.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Owings
Bilden	Kolpin	Skarvold
Blaisdell	Kroeber	Streibel
Cain	Lavik	Strehlow
Coffey	Lemke	Stucke
Crandall	Lian	Thorson
Drew	Lowe	Topp
Ettestad	Magoffin	Vinje
Fredrickson	McGillic	Watt
Greene	Morrison	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young
Johnson		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Gilbertson	Mutchler
Fine	Hulteng	Thatcher
Fowler	Lynn	Trout

So J. T. Fettig was declared elected Doorkeeper.

Senator Whelan moved the nomination of J. O. Bergheim of Minot as Proofreader.

### ROLL CALL

The question being on the election of J. O. Bergheim as Proofreader, the roll was called and there were ayes, 40; nays, 0; absent and not voting 9.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Owings
Bilden	Kolpin	Skarvold
Blaisdell	Kroeber	Streibel
Cain	Lavik	Strehlow
Coffey	Lemke	Stucke
Crandall	Lian	Thorson
Drew	Lowe	Topp
Ettestad	Magoffin	Vinje
Fredrickson	McGillic	Watt
Greene	Morrison	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young
Johnson		



Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Gilbertson	Mutchler
Fine	Hulteng	Thatcher
Fowler	Lynn	Trout

So J. O. Bergheim was declared elected Proofreader.

Senator Whelan moved the nomination of Paul Christiansen of Bowbells as Doorkeeper.

#### ROLL CALL

The question being on the election of Paul Christiansen as Doorkeeper, the roll was called and there were ayes, 40; nays, 0; absent and not voting, 9.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Owings
Bilden	Kolpin	Skarvold
Blaisdell	Kroeber	Streibel
Cain	Lavik	Strehlow
Coffey	Lemke	Stucke
Crandall	Lian	Thorson
Drew	Lowe	Topp
Ettestad	Magoffin	Vinje
Fredrickson	McGillic	Watt
Greene	Morrison	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young
Johnson		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Gilbertson	Mutchler
Fine	Hulteng	Thatcher
Fowler	Lynn	Trout

So Paul Christiansen was declared elected Doorkeeper.

Senator Whelan moved the nomination of Louise Orish of Plaza as Stenographer.

#### ROLL CALL

The question being on the election of Louise Orish as Stenographer, the roll was called and there were ayes, 40; nays, 0; absent and not voting, 9.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Owings
Bilden	Kolpin	Skarvold
Blaisdell	Kroeber	Streibel
Cain	Lavik	Strehlow
Coffey	Lemke	Stucke

Messrs.	Messrs.	Messrs.
Crandall	Lian	Thorson
Drew	Lowe	Topp
Ettestad	Magoffin	Vinje
Fredrickson	McGillic	Watt
Greene	Morrison	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young
Johnson		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Gilbertson	Mutchler
Fine	Hulteng	Thatcher
Fowler	Lynn	Trout

So Louise Orish was declared elected Stenographer.

The President administered the oath of office to the following employees: Jake Forster, Olga Christianson, Henry Jacobson, E. G. Monson, Jake Goll, John Spitzer, Earl Anderson, J. O. Bergheim and Louise Orish.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
January 8, 1937.

Mr. Speaker: I have the honor to return herewith House Concurrent Resolution "A", which the Senate has adopted unchanged.

Very respectfully,

THOMAS McDONALD,  
Secretary.

President Thoresen: "As there does not seem to be any other business before the Senate at this time there is a suggestion I have in mind in regard to the preparation and introduction of bills. From my observation during past years, I know that many of the new members will come here imbued with serious thought to pass bills to cure certain evils that they have seen, or to promote certain matters which they think are of interest. Many of these thoughts are already on the statute books and possibly are not being observed; some matters which they have in mind are impossible to correct by legislation.

"I would suggest that some time in the near future, when we are recessed, the Senators might possibly select from among their number an unofficial clearance committee of not too large membership, perhaps three or five members, to whom those members could go and talk over the proposed legislation and get their advice as to whether or not their ideas are such as ought to be presented in the form of bills and ordered printed. I know if we could do this, honestly and sincerely, we could save the State of North Dakota hundreds of dollars in the form of printing of bills, and save the Sen-

ate much work in considering matters that we know are impractical. The committee would be unofficial but should be taken seriously. I am leaving this thought with you for what you may think it is worth.

Senator Watt moved that the Senate do now adjourn.

Which motion prevailed.

THOMAS McDONALD,  
Secretary.

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#### FOURTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
January 8, 1937.

The Senate convened at 2:00 P. M., the President presiding.

Prayer by the Chaplain, Rev. C. K. Lien of Watford City.

Roll call: All Senators present except Senators Brostuen, Fine, Fowler, Gilbertson, Hulteng, Kamrath, Lynn and Mutchler.

Senator Gronvold moved that the absent members 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 recommend that the same be corrected as follows:

On page 4, strike out lines 39 and 40.

On page 5, line 46, strike out comma following the word "And."

On page 6, line 43, strike out misplaced apostrophe following "President:".

On page 8, line 5, correct spelling of the word "FOLLOWING."

On page 8, lines 17 and 19, reverse order of names "C. C. Morrison" and "Wm. A. Thatcher."

On page 10, line 47, strike out the name "Wog."

On page 11, line 8, insert the following: "Passed: Wog."

On page 11, line 16, correct spelling of the word "be."

And when so amended recommend that the same be approved.

MILTON R. YOUNG,  
Chairman.

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

#### PETITIONS AND COMMUNICATIONS

Senator Watt presented a resolution submitted by the Board of Township Supervisors, Watson Township, Cass County, recommending that a bill be introduced providing for the restoration of capital punishment.

Senator Gronvold presented a resolution submitted by the Board of County Commissioners of Pierce County, petitioning the legislature to enact such laws as will transfer the cost of maintaining indigent patients at the State Hospital for Insane, Home for Feeble-minded and State Tubercular Sanatorium from the respective counties to the state.

The President stated that above resolutions would be referred to the proper committee as soon as committees are appointed.

Senator Watt moved that the Senate recess for 15 minutes. Which motion prevailed.

The Senate reassembled, pursuant to recess taken.

Senator Watt requested that the Senate be on the fifth order of business.

Which request was granted.

The Committee on Mileage and Per Diem made the following report:

Mr. President: Your Committee on Mileage and Per Diem presents the following report:

District	NAME AND ADDRESS	N. P.	G. N.	Soo	Milw.	Car	Total
	1. Thomas Whelan, St. Thomas.....	388	270				658
	2. Wm. J. Lowe, Kenmare .....			482			482
	3. Ed. Lian, Fairdale .....	388	286			60	734
	4. George V. Coffey, Minto .....	388	224				612
	5. Oliver Bilden, Northwood .....	388	152				540
	6. N. N. Nelson, Emerado.....	388	158			26	572
	7. John L. Huiteng, Grand Forks.....	388	158				546
	8. Syver Vinje, Hillsboro .....	388	80				468
	9. Arthur W. Fowler, Fargo .....	388					388
	10. Max H. Strehlow, Kindred.....	388				54	442
	11. Wm. Watt, Leonard .....	446					14460
	12. Melvin P. Johnson, Wahpeton .....					494	494
	13. A. N. Lavik, Milnor.....	406					4410
	14. John Crandall, Lisbon.....	366				16	382
	15. Fred J. Fredrickson, Valley City.....	272					272
	16. George Kolpin, Cooperstown.....	326				26	352
	17. C. S. Aasen, Aneta .....	388	198				10596
	18. Ed Greene, Mona .....	388	366			30	784

District	NAME AND ADDRESS	N. P.	G. N.	Soo	Milw.	Car	Total
	19. H. G. Guenther, Rolla .....		368	380			748
	20. C. W. Fine, Sheyenne .....	346				8	354
	21. G. F. Drew, Devils Lake .....		236	380			616
	22. B. W. Lemke, Cando .....		304	380		18	702
	23. Ben Gilbertson, Jamestown .....	204					204
	24. Milton R. Young, Berlin .....	342					342
	25. E. Magoffin, Monango .....			264			264
	26. Harry C. Lynn, Linton .....	128					128
	27. James W. Guthrie, Bismarck .....						
	28. Wm. A. Thatcher, Bottineau .....		198	380			578
	29. J. C. Blaisdell, Jr., Minot .....			380			380
	30. James T. McGillic, Mandan .....	10					10
	31. J. P. Cain, Dickinson .....	230					230
	32. Otto Topp, Grace City .....	324	36				360
	33. R. M. Streibel, Fessenden .....			360		16	376
	34. O. E. Ettestad, Balfour .....			298		10	308
	35. C. C. Morrison, Steele .....	88					88
	36. William Kroeber, Napoleon .....			118		14	132
	37. Andrew Skarvold, Christine .....	388				50	438
	38. A. C. Nelson, Fingal .....	272				26	298
	39. Gust Wog, Belfield .....	270				36	306
	40. R. A. Owings, Lignite .....		110	380		18	508
	41. John K. Brostuen, Alexander .....	552	48			12	612
	42. F. T. Gronvold, Rugby .....		122	380			502
	43. Walter J. Trout, Sherwood .....		166	380		8	554
	44. Axel Olson, Parshall .....			286			286
	45. Henry Williams, Appam .....		240	380		66	686
	46. E. C. Stucke, Garrison .....			156			156
	47. Wm. Kamrath, Leith .....	206				10	216
	48. E. F. Mutchler, Center .....	98				24	122
	49. Herman Thorson, Bucyrus .....	268			410	16	694

Respectfully submitted,

WM. WATT  
GUST WOG  
OLE ETTESTAD.

Senator Watt moved that the report be printed in the Journal and that the adoption of same be deferred until the members had had an opportunity to check over their mileage.

Which motion prevailed.

Senator Cain moved that the President appoint a committee of three to consider the printing of resolutions and that such committee be prepared to report on Monday, January 11th.

Which motion prevailed.

The President appointed the following Senators on such committee: Senators Cain, Johnson and Strehlow.

## COURTESIES OF THE FLOOR

The courtesies of the floor were extended to:

W. A. Pinkham of Wyndmere; Prof. Arneson and Prof. Kapenbauer of Bottineau.

Senator Watt moved that the Senate do now recess until 1:30 P. M., tomorrow.

Which motion prevailed.

The Senate stood recessed.

THOMAS McDONALD,  
Secretary.

FOURTH DAY AFTER RECESS AND FIFTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
January 9, 1937.

The Senate convened at 1:30 P. M., pursuant to recess taken, the President presiding.

Senator Guthrie presented the following resolution:

SENATE RESOLUTION "A"

Introduced by Senators Guthrie, Thorson and Ettetstad

Resolution to Appoint the Official Photographer for the Senate of the Twenty-fifth Legislative Assembly of the State of North Dakota.

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

WHEREAS, The Rembrandt Studio of Bismarck offers to make a group picture of the North Dakota Senate of the Twenty-fifth Legislative Assembly and hang such picture, framed, in the Senate Chamber at the cost of One Dollar for each individual in the group.

NOW THEREFORE, BE IT RESOLVED, That the Rembrandt Studio of Bismarck, North Dakota, be, and is hereby appointed Official Photographer for the North Dakota Senate of the Twenty-fifth Legislative Assembly.

BE IT FURTHER RESOLVED: That The Rembrandt Studio of Bismarck, be and is hereby awarded the sole privilege of photographing members of the Senate of the Twenty-fifth Legislative Assembly on the floor of the Senate Chamber.

Eleven by fourteen copies of the large group will be furnished at a price of \$1.00 per copy.

Senator Guthrie moved the adoption of the resolution.

## ROLL CALL

The question being on the adoption of Senate Resolution "A," the roll was called, and there were ayes, 27; nays, 9; absent and not voting, 13.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Kamrath	Owings
Blaisdell	Kolpin	Streibel
Cain	Kroeber	Thorson
Crandall	Lavik	Topp
Ettestad	Lowe	Vinje
Greene	Magoffin	Watt
Gronvold	McGillic	Whelan
Guthrie	Nelson, Barnes	Williams
Johnson	Nelson, Grand Fks.	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Lian	Thatcher
Drew	Morrison	Trout
Lemke	Skarvold	Wog

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Gilbertson	Mutchler
Coffey	Guenther	Olson
Fine	Hulteng	Stucke
Fowler	Lynn	Strehlow
Fredrickson		

So the resolution was adopted and the Rembrandt Studio was declared appointed Senate Photographer.

Senator Johnson moved that the resolution be not printed as a Bill nor in the Journal.

Which motion lost.

Senator Guthrie moved that the resolution be printed in the Journal, and not printed as a bill.

Which motion prevailed.

## REPORTS OF STANDING COMMITTEES

The Committee on Rules made the following report:

Mr. President: Your Committee on Rules makes the following report which, together with the partial report of the third legislative day, will complete the report of the Committee on Rules:

The following changes have been made:

In the Fifteenth Order of Business, "Consideration of General Orders," remove the period and add the following, "Signing of Bills."



Reverse the titles to sections ten and eleven so that number ten will read "Interruptions" and number eleven "Voting, Excused When."

In line 7 of section 15, strike out "Reporters for Newspapers" and insert in lieu thereof "News Reporters."

WM. A. THATCHER, Chm.  
W. J. TROUT  
G. W. KOLPIN  
C. C. MORRISON.

Senator Thatcher moved the adoption of the report, together with partial report presented January 7th, as the complete report of the Committee on Rules, which motion prevailed and the report was adopted.

Senator Blaisdell presented the following memorial resolution:

#### SENATE MEMORIAL RESOLUTION

Introduced by Senator Blaisdell

WHEREAS, Our Creator in His infinite wisdom has seen fit to call to His own the mother of our colleague Senator H. G. Guenther,

BE IT RESOLVED, That the Senate this day express to Senator Guenther in all sincerity its sympathy and condolence,

BE IT FURTHER RESOLVED, That a copy hereof be signed and presented to Senator Guenther, and that this resolution be printed in the Journal.

Senator Blaisdell moved the adoption of the memorial resolution, which motion prevailed and the resolution was adopted.

Senator Whelan requested that the Senate return to the Fifth Order of Business.

Which request was granted.

Senator Whelan moved the nomination of William Kane of Minot, for the position of Committee Clerk.

#### ROLL CALL

The question being on the election of Wm. Kane of Minot as Committee Clerk, the roll was called and there were ayes, 37; nays, 0; absent and not voting, 12.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kolpin	Skarvold
Bilden	Kroeber	Streibel
Blaisdell	Lavik	Thatcher
Cain	Lemke	Thorson
Crandall	Lian	Topp
Drew	Lowe	Trout

Messrs.	Messrs.	Messrs.
Ettestad	Magoffin	Vinje
Greene	McGillic	Watt
Gronvold	Morrison	Whelan
Guthrie	Nelson, Barnes	Williams
Johnson	Nelson, Grand Fks.	Wog
Kamrath	Owings	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Gilbertson	Mutchler
Coffey	Guenther	Olson
Fine	Hulteng	Strehlow
Fowler	Lynn	Stucke
Fredrickson		

So Wm. Kane was declared elected Committee Clerk.

Senator Whelan moved the nomination of LaVerne Odegard of Bismarck, as Stenographer.

#### ROLL CALL

The question being on the election of LaVerne Odegard as Stenographer, the roll was called and there were ayes, 37; nays, 0; absent and not voting, 12.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kolpin	Skarvold
Bilden	Kroeber	Streibel
Blaisdell	Lavik	Thatcher
Cain	Lemke	Thorson
Crandall	Lian	Topp
Drew	Lowe	Trout
Ettestad	Magoffin	Vinje
Greene	McGillic	Watt
Gronvold	Morrison	Whelan
Guthrie	Nelson, Barnes	Williams
Johnson	Nelson, Grand Fks.	Wog
Kamrath	Owings	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Gilbertson	Mutchler
Coffey	Guenther	Olson
Fine	Hulteng	Strehlow
Fowler	Lynn	Stucke
Fredrickson		

So LaVerne Odegard was declared elected Stenographer.

The President administered the oath of office to the following employees: William Kane, Z. Vlasoff and Clara Rishling.

MESSAGE FROM THE HOUSE

House Chamber,  
Bismarck, North Dakota,  
January 8, 1937.

Mr. President: I return herewith:

SENATE CONCURRENT RESOLUTION "A"

Which the House has adopted.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

MESSAGE FROM THE HOUSE

House Chamber,  
Bismarck, North Dakota,  
January 9, 1937.

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

HOUSE CONCURRENT RESOLUTION "A"

Which the Speaker has signed and your signature is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

Senator Nelson moved that the Senate do now adjourn.

Which motion prevailed.

The Senate stood adjourned.

THOMAS McDONALD,  
Secretary.

FIFTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
January 9, 1937.

The Senate convened at 2:00 p. m., the President presiding.

Prayer by the Chaplain, Rev. Walter E. Vater, Bismarck.

Roll Call: All Senators present except Senators Brostuen, Coffey, Fine, Fowler, Fredrickson, Gilbertson, Guenther, Hulteng, Lynn, Mutchler, Olson, Strehlow, Stucke.

Senator Ettestad moved that the absent Senators 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 Third Day after Recess and Fourth day and recommend that the same be corrected as follows:

On page 2, line 32, strike out the name "Clara" and insert in lieu thereof the name "Olga."

On page 3, line 12, insert the word "were" after the word "there."

On page 6, line 35, correct spelling of the word "Enrolling."

On page 14, line 13, correct spelling of the name "Blaisdell."

And when so corrected recommend that the same be approved.

MILTON R. YOUNG,  
Chairman.

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

#### PETITIONS AND COMMUNICATIONS

Senator Gronvold presented a resolution submitted by the County Commissioners of Pierce County urging the Legislature to pass legislation to "abate 50% of the hail tax for the year 1935 levied against farmers on which no claim was filed."

The President stated the resolution would be referred to the Committee on Taxes and Tax Laws, as soon as committees were appointed.

Senator Cain presented a communication from the State Planning Board calling attention to the study made by them of the water resources of the state with a view to developing a permanent water plan for the state, and extending an invitation to the members to attend a meeting to be held at 3:00 p. m., Tuesday, January 19th, in the Hearing Room of the Capitol Building, at which time every phase of this program would be thoroughly discussed.

Senator Crandall submitted a resolution adopted by the County Commissioners of Ransom County urging the legislature to do everything in its power to immediately secure an appropriation of funds to be available to destitute farmers for the purchase of feed and roughage.

The President stated the resolution would be referred to the Committee on State Affairs, when committees were appointed.

President Thoresen requested information from the Senate as to whether or not a communication presented by an applicant for employment should be read from the desk.

Senator Drew moved that the communication be read.

Senator Cain moved, as a substitute motion, that the communication be referred to the Committee on Employment.

Which motion prevailed.

The President stated there would be no printing of resolutions until the report of the committee appointed to consider the printing of resolutions had been received.

Senator Watt moved that the report of the Committee on Mileage and Per Diem be adopted.

### ROLL CALL

The question being on the adoption of the report of the Committee on Mileage and Per Diem, the roll was called and there were ayes, 36; nays, 0; absent and not voting, 13.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kolpin	Skarvold
Bilden	Kroeber	Streibel
Blaisdell	Lavik	Thatcher
Cain	Lemke	Thorson
Crandall	Lian	Topp
Drew	Lowe	Trout
Ettestad	Magoffin	Vinje
Greene	McGillic	Watt
Gronvold	Morrison	Whelan
Guthrie	Nelson, Barnes	Williams
Johnson	Nelson, Grand Fks.	Wog
Kamrath	Owings	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Gilbertson	Mutchler
Coffey	Guenther	Olson
Fine	Hulteng	Strehlow
Fowler	Lynn	Stucke
Fredrickson		

**So the report was declared adopted.**

Senator Whelan requested that the Senate return to the Fifth Order of Business.

Which request was granted.

Senator Whelan reported that the Employment Committee had given consideration to the communication presented at the desk by applicant for employment and referred to them by vote of the Senate, and that such committee had unanimously rejected the petition.

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

The Secretary announced that the President was about to sign House Concurrent Resolution "A."

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

The President administered the oath of office to the following employees: G. Sundfor and LaVerne Odegard.

## JOURNAL OF THE SENATE

## MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
January 9, 1937.

Mr. Speaker: I have the honor to return herewith:

## HOUSE CONCURRENT RESOLUTION "A"

Which the President of the Senate has signed.

Very respectfully,

THOMAS McDONALD,  
Secretary.

## COURTESIES OF THE FLOOR

The courtesies of the floor were extended to the following:

Robert Renden, Mandan; Henry White, Grand Forks; Mrs.  
T. H. H. Thoresen, Grand Forks.

Senator Owings moved that the Senate recess until 1 P. M.  
on Monday.

Which motion prevailed.

The Senate stood recessed.

THOMAS McDONALD,  
Secretary.

FIFTH DAY AFTER RECESS AND SEVENTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
January 11, 1937.

The Senate convened at 1:00 p. m., pursuant to recess taken, the President presiding.

The President administered the oath of office to the following employees:

J. T. Fettig.

Jacob Lutz.

Myrtle M. Topp.

Paul Christensen.

Anna Zurcher.

Senator Whelan requested that the Senate return to the seventh order of business.

Which request was granted.

Senator Whelan moved that the Clerk of the Supreme Court be requested to supply the Senate with mimeographed copies of the Court's decision in the State Hail Insurance case.

Which motion prevailed.

Senator Ettestad moved that the Senate do now adjourn.

Which motion prevailed.

The Senate stood adjourned.

THOMAS McDONALD,  
Secretary.

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SEVENTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
January 11, 1937.

The Senate convened at 2:00 p. m., pursuant to adjournment, the President presiding.

Prayer by the Chaplain, Rev. Walter E. Vater, Bismarck.

Roll Call: All Senators present except Senators Brostuen, Fine, Fowler, Fredrickson, Guenther and Hulteng.

Senator Strehlow moved that the absent members 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 After Recess and Fifth Day and recommend that the same be corrected as follows:

On page 2, correct roll call on Senate Resolution "A" relative to appointment of official Senate Photographer, to show the following Senators voting "No": Aasen, Drew, Lemke, Lian, Morrison, Skarvold, Thatcher, Trout and Wog; and correct totals to read as follows: "ayes, 27; nays, 9; absent and not voting, 13."

On page 3 on roll call on election of Wm. Kane, record "Brostuen" as "absent and not voting" instead of voting in the affirmative.

On page 4, on roll call on election of LaVerne Odegard, make same correction.

And when so corrected recommend that the same be approved.

MILTON R. YOUNG,  
Chairman.

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

#### PETITIONS AND COMMUNICATIONS

Senator Wog presented a resolution adopted by the County Commissioners of Slope County requesting legislation requiring the state to provide for maintenance of indigent patients at state institutions, which was read at the desk and referred to the Committee on State Affairs.

Senator Aasen presented a similar resolution adopted by the County Commissioners of Nelson County, which was read and referred to the Committee on State Affairs.

Senator Wog also presented a communication signed by C. A. Olson and nine other citizens of Marmarth, North Dakota, petitioning the legislature to pass legislation that would place North Dakota on an equal basis with Montana on oil laws; providing that oil produced within the state be refined within the state; and suggesting that oil and gas legislation be handled separately, which was read at the desk and referred to the Committee on Mines and Minerals.



Senator Cain, chairman of the Committees on Committees, submitted the following report:

### REPORT OF COMMITTEE ON COMMITTEES

Mr. President: Your Select Committee on Committees beg leave to report as follows:

**AGRICULTURE and LIVESTOCK:** Thorson (chairman), Topp, Fine, Crandall, Kamrath, Strehlow, Ettetstad, Young, Olson, Gilbertson, Lavik, Magoffin, Skarvold, Aasen, Nelson of Barnes.

**APPROPRIATIONS:** Lemke (chairman), Lowe, Watt, Brostuen, Stucke, Nelson of Grand Forks, Gronvold, Thorson, Topp, Young, Thatcher, Greene, Guenther, Vinje, Streibel, Fredrickson, Williams.

**APPORTIONMENT:** Kamrath (chairman), Wog, Strehlow, Cain, Brostuen, Coffey, Stucke, Greene, Lowe, Johnson, McGillic, Fowler, Owings, Topp, Drew, Kroeber, Vinje, Whelan, Trout, Olson, Guthrie, Blaisdell, Hulteng.

**BANKS and BANKING:** Strehlow (chairman), Kamrath, Fine, Fowler, Lowe, Lynn, Thatcher, Watt, Lian, Stucke, Lavik, Whelan, Guenther, Bilden, Kolpin.

**CORPORATIONS:** Young (chairman), Lowe, Owings, Johnson, Crandall, Blaisdell, Streibel, Vinje, Fredrickson, Guenther, Bilden, Trout, Guthrie, Greene, Kroeber.

**COUNTIES:** Trout (chairman), Hulteng, Magoffin, Kamrath, Wog, Lian, and Lynn.

**EDUCATION:** Fine (chairman), Whelan, Mutchler, Drew, Trout, Crandall, Streibel, Magoffin, Vinje, Skarvold, Lian.

**ELECTIONS:** Mutchler (chairman), Thatcher, Topp, Gronvold, Olson, Kroeber, Gilbertson, Crandall, Guenther.

**ENROLLED AND ENGROSSED BILLS:** Kroeber (chairman), Aasen, Bilden, Whelan, Nelson of Barnes.

**FEDERAL RELATIONS:** McGillic (chairman), Lynn, Ettetstad, Hulteng, Guthrie, Morrison, Lavik.

**GAME AND FISH:** Lowe (chairman), Mutchler, Young, Thatcher, Guthrie, Morrison, Fredrickson, Johnson, Lian, Owings, Kroeber.

**HIGHWAYS:** Wog (chairman), Blaisdell, Fowler, Stucke, Brostuen, Aasen, Watt, Olson, Kolpin, Lian, Streibel.

**IMMIGRATION AND STATISTICS:** Nelson of Grand Forks (chairman), Lynn, Trout, Young, Blaisdell, Mutchler, Kolpin, Hulteng, Guenther, Morrison, Williams.

**MILITARY AND INDIAN AFFAIRS:** Mutchler (chairman), Hulteng, Fine, McGillic, Kamrath, Fredrickson, Johnson, Blaisdell, Stucke.

**INSURANCE:** Coffey (chairman), Owings, Fine, Fred-

rickson, McGillic, Lemke, Wog, Cain, Guthrie, Morrison, Thatcher.

**IRRIGATION AND DRAINAGE:** Gronvold (chairman), McGillic, Brostuen, Skarvold, Nelson of Grand Forks, Williams, Whelan, Thorson, Magoffin.

**JUDICIARY:** Cain (chairman), Coffey, Stucke, Fine, Fowler, Strehlow, Lynn, Ettetstad, Whelan, Blaisdell, Skarvold, Thatcher, Gronvold, Gilbertson, Bilden, Johnson, Guthrie.

**MINES AND MINERALS:** Thatcher (chairman), Owings, Crandall, Lowe, Brostuen, Olson, Fredrickson, Aasen, Bilden.

**PUBLIC HEALTH:** Stucke (chairman), Gronvold, Vinje, Drew, Thorson, Fredrickson, Trout, Gilbertson, Kamrath.

**PUBLIC LANDS:** Topp (chairman), Kamrath, Hulteng, Fine, Magoffin, Morrison, Wog.

**PUBLIC PRINTING:** Johnson (chairman), Lowe, Stucke, Fredrickson, Lian, Morrison, Thatcher.

**RAILROADS:** Fowler (chairman), Nelson of Barnes, Greene, Topp, Streibel, Kroeber, Gronvold, Gilbertson, Bilden, Kolpin, Aasen, Whelan, Williams.

**REVISION AND CORRECTION OF THE JOURNAL:** Morrison (chairman), Young, Owings.

**STATE AFFAIRS:** Drew (chairman), Owings, Ettetstad, Fowler, Nelson of Grand Forks, Lynn, Wog, Whelan, Strehlow, Morrison, Johnson, Cain, McGillic, Olson, Lavik, Watt, Skarvold.

**TAXES AND TAX LAWS:** Brostuen (chairman), Fowler, McGillic, Kamrath, Ettetstad, Whelan, Coffey, Greene, Wog, Crandall, Drew, Olson, Trout, Cain, Bilden.

**TEMPERANCE:** Ettetstad (chairman), Crandall, Kamrath, Gilbertson, Kolpin, Fredrickson, Thorson, Aasen, Lavik, Lemke, Blaisdell.

**WAREHOUSE AND GRAIN GRADING:** Lynn (chairman), Nelson of Grand Forks, Thorson, Fine, Whelan, Strehlow, Mutchler, Kolpin, Gilbertson, Watt, Williams.

**WAYS AND MEANS:** Greene (chairman), Coffey, Lavik, Crandall, Thorson, Lian, Williams, Fredrickson, Guthrie.

**WOMEN'S AND CHILDREN'S WELFARE:** Vinje (chairman), Drew, Greene, Fowler, Kolpin, Coffey, Stucke, Gronvold, Thorson.

**PUBLIC SAFETY:** Nelson of Barnes (chairman), Lemke, Strehlow, Gronvold, Greene, Kroeber, Topp, Hulteng, Trout.

**DELAYED BILLS:** Whelan (chairman), Owings, Blaisdell, Ettetstad, Guenther.

## JOINT COMMITTEES

**PUBLIC BUILDINGS:** Gilbertson (chairman), Young, Kamrath, Guenther, Lian, Lynn, Vinje.

**CHARITABLE INSTITUTIONS:** Streibel (chairman), Coffey, Kolpin, Watt, Olson, Blaisdell, Trout.

**EDUCATIONAL INSTITUTIONS:** Crandall (chairman), Johnson, Morrison, Drew, Lavik, Williams, Magoffin.

**PENAL INSTITUTIONS:** Williams (chairman), Aasen, Young, Guthrie, Kolpin.

**STATE LIBRARY:** Kolpin (chairman), Fowler, Lowe, Strehlow.

**JOINT RULES:** Fowler (chairman), Kroeber, Coffey, Brostuen, Nelson of Grand Forks.

**LABOR:** Greene (chairman), McGillic, Kroeber, Gronvold, Guenther, Nelson of Barnes.

**INSURANCE:** Guthrie (chairman), Fredrickson, Williams, Magoffin, Johnson.

Respectfully submitted,

J. P. CAIN, chairman  
R. A. OWINGS  
J. T. MCGILLIC  
HERMAN THORSON  
J. C. BLAISDELL, Jr.

Senator Cain moved that the report be adopted.

President Thoresen: "Before calling for the vote I wish to state that while the record here shows that the President of the Senate was authorized to appoint the members of the Committee on Committees, I think you know that due to political combinations, the names of the said members were presented to me with demand that these be appointed. I do not feel altogether satisfied with the work of the committee. Many of the committees are good. The basis, however, used for the selection of the committee, to my mind is wrong. The method used by the majority faction was to select the membership upon a political percentage basis rather than upon a basis of experience and qualifications. I do not believe this is serving the best interest of the State of North Dakota. I do not feel I should be held responsible for these committees, and am therefore placing the responsibility for these committees with you."

The question being on the motion of Senator Cain that the report of the Committee on Committees be adopted, the motion prevailed and the report was adopted.

Senator Stucke moved that a five minute recess be taken out of respect to Senator Martin of Morton county, who passed away a year ago today, which motion prevailed and a five minute recess was taken.

The Senate reconvened pursuant to recess taken.

Senator Cain, chairman of the committee appointed to consider the printing of resolutions, made the following report:

Mr. President: Your committee appointed to report on the printing of resolutions either as bills or in the Journal, beg leave to report as follows:

It is the unanimous recommendation of the committee that no resolution except a concurrent resolution to change the constitution, be printed as a bill or in the Journal without authorization of the Senate.

Respectfully submitted

J. P. CAIN, Chairman  
MELVIN P. JOHNSON  
MAX H. STREHLOW.

Senator Cain moved the adoption of the report, which motion prevailed and the report was declared adopted.

Senator Gilbertson, chairman of the Committee on Assignment of Committee Rooms, made the following report:

#### REPORT OF SELECT COMMITTEE

Mr. President: Your committee for the Assignment of Committee Rooms have conferred with a like committee in the House and beg leave to report the following room assignments to the following committees:

Committee	Room No.
Appropriations .....	207
Apportionment .....	207
Judiciary .....	204
Banks and Banking.....	204
Railroads .....	204
Counties .....	204
Ways and Means .....	204
Taxes and Tax Laws .....	203
Highways .....	203
Livestock .....	203
Insurance .....	203
Agriculture .....	203
Elections .....	206
Corporations other than Municipal .....	206
Federal Relations .....	206
Immigration .....	206
Irrigation and Drainage .....	206
Military Affairs .....	206
Education .....	205
Game and Fish .....	205
Public Health .....	205
Public Printing .....	205
Public Safety .....	205
Warehouse and Grain Grading .....	205
Enrolling and Engrossing Bills .....	101
Revision and Correction of Journal .....	102
Delayed Bills .....	102

Statistics .....	102
Mileage and Per Diem .....	102
Mines and Minerals .....	102
Public Lands .....	102
Rules .....	102
Temperance .....	102
Women's and Children's Welfare.....	102

Signed:

BEN GILBERTSON, Chm.  
 F. T. GRONVOLD  
 B. W. LEMKE.

Senator Gilbertson moved the adoption of the report, which motion prevailed and the report was adopted.

Senate Concurrent Resolution "B" introduced by Senators Gilbertson and Strehlow, requesting the Congress of the United States to continue Federal appropriations for the control of Bang's disease in cattle, was read.

Senator Strehlow moved that the rules be suspended for the purpose of taking immediate action on Senate Concurrent Resolution "B."

Which motion prevailed.

Senator Gilbertson moved that Senate Concurrent Resolution "B" be adopted, which motion prevailed and the resolution was adopted.

President Thoresen again called attention to the advisability of appointing an unofficial clearance committee.

Senator Watt moved that the Committee on Committees select such clearance committee.

Which motion prevailed.

The Secretary announced that the President was about to sign Senate Concurrent Resolution "A," and the President signed the same in the presence of the Senate.

COURTESIES OF THE FLOOR

The courtesies of the floor were extended to:

R. R. Morgan, Grafton; Max Lauder, Wahpeton; H. B. Carlson, Bismarck; Mrs. Helga Kolstad, Steele; Imelda Maddox, Bismarck; Della Erickson, Bismarck; Frank Gebhard, Steele; D. J. Gullickson, Grand Forks; V. C. Gessner, Bottineau; Ole Johnson, Landa; Orlan Stair, Bottineau; Martin Vinje, Bottineau; F. C. Lonsbrough, Finley.

Senator Cain moved that the Senate recess until 1:45 o'clock tomorrow.

Which motion prevailed.

The Senate stood recessed.

THOMAS McDONALD,  
 Secretary.

## SEVENTH DAY AFTER RECESS AND EIGHTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
January 12, 1937.

The Senate convened at 1:45 p. m., pursuant to recess taken, the President presiding.

Senator Brostuen requested that the Senate return to the Sixth Order of Business.

Which request was granted.

## REPORT OF STANDING COMMITTEES

The Committee on Committees made the following report:

Mr. President: Your Committee on Committees have selected the following members to serve as a Clearance Committee: Coffey, Lowe, Lynn, Thatcher, Mutchler, Fowler and Cain.

T. H. H. THORESEN,  
Chairman.

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

## MESSAGE FROM THE HOUSE

House Chamber,  
Bismarck, North Dakota,  
January 12, 1937.

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

## HOUSE JOINT RESOLUTION "C."

Requesting the Bank of North Dakota, with the Approval of the Industrial Commission, to Make a Loan to the Public Welfare Board of North Dakota to Meet Existing Relief Emergency.

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

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

## MESSAGE FROM THE HOUSE

House Chamber,  
Bismarck, North Dakota,  
January 12, 1937.

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

House Bill No. 1. A Bill for an Act Making an Emergency Appropriation to Provide for the Relief of Destitute and Necessitous Persons and for Other Welfare Activities; Providing for the Distribution of This Appropriation by the Public Welfare Board; and Declaring an Emergency.

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

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

Senator Whelan requested that the Senate return to the fifth order of business.

Which request was granted.

Senator Whelan moved the nomination of C. A. Bring of Clifford, N. D., as Governor's Messenger.

#### ROLL CALL

The question being on the election of C. A. Bring as Governor's Messenger, the roll was called and there were ayes, 43; nays, 0; absent and not voting 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Owings
Bilden	Kolpin	Skarvold
Blaisdell	Kroeber	Streibel
Brostuen	Lavik	Strehlow
Cain	Lemke	Stucke
Coffey	Lian	Thorson
Crandall	Lynn	Topp
Drew	Magoffin	Trout
Ettestad	McGillic	Vinje
Fowler	Morrison	Watt
Gilbertson	Mutchler	Whelan
Greene	Nelson, Barnes	Williams
Gronvold	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young
Johnson		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fine	Guenther	Lowe
Fredrickson	Hulteng	Thatcher

So C. A. Bring was declared elected.

The President administered the oath of office to C. A. Bring as Governor's Messenger.

## JOURNAL OF THE SENATE

## MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
January 12, 1937.

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

Senate Concurrent Resolution "A."

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

Very respectfully,

THOMAS McDONALD,  
Secretary.

## MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
January 12, 1937.

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

Senate Concurrent Resolution "B."

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

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senator Brostuen moved that the Senate do now adjourn.

Which motion prevailed.

The Senate stood adjourned.

THOMAS McDONALD,  
Secretary.

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 EIGHTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
January 12, 1937.

The Senate convened at 2:00 p. m., pursuant to adjournment, the President presiding.

Prayer by the Chaplain, Rev. Walter E. Vater, Bismarck.

Roll Call: All Senators present except Senators Fine, Fredrickson, Guenther, Hulteng, Thatcher.

Senator Gronvold moved that the absent Senators 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 Fifth Day after Recess and Seventh Day and recommend that the same be corrected as follows:

On page 5, line 7 from bottom of page, strike out the word "which" and insert in lieu thereof the word "the."

And when so corrected recommend that the same be approved.

C. C. MORRISON,  
Chairman.

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

#### PETITIONS AND COMMUNICATIONS

Senator Thorson presented a resolution adopted by the Farmers Educational and Cooperative Union of Hettinger County, North Dakota, demanding passage of a law providing for a compulsory cooperative study course to be introduced into all public schools of the state; requiring all teachers qualifying after January 1, 1937, to hold credits in Cooperative Economics, and requiring similar credits in such subject for renewals of qualifications.

Referred to Committee on Education.

Senator Thorson also presented a resolution adopted by the Farmers Educational and Cooperative Union of Hettinger County requesting continued appropriation for High School Correspondence Courses for another two year period; also a continuation of the Sales Tax Law and provision of a method for keeping account of the sales tax paid by each individual.

Referred to the Committee on Taxes and Tax Laws.

Senator Williams presented a resolution adopted by the Farmers Holiday Association of Williams County demanding that the government take immediate steps to furnish seed without waiting until spring; to provide feed for starving stock; put all WPA workers and others in need back to work, and in families where there were able bodied sons, provide that the sons be allowed to work in place of aged father.

Referred to Committee on State Affairs.

Senator Stucke presented a resolution adopted by the County Commissioners of McLean County urging passage of legislation to abate 50% of said Hail Tax for year 1935 levied against farms on which claim of loss was not filed.

Referred to Committee on Insurance.

A proclamation from the Council of State Government addressed to the Lieutenant Governor calling attention to a

four-day convention to be held at Washington, D. C., January 21 to 25 and advising that each state is entitled to three voting delegates, was read and referred to the Committee on Judiciary.

Senator Johnson moved that the President appoint a committee of three to confer with a like committee from the House for the purpose of investigating the cost of printing the journals and bills of the Senate and House. Which motion prevailed.

The President appointed on such committee Senators Johnson, Morrison and Strehlow.

#### FIRST READING OF SENATE BILLS

Senators Young, Coffey and Bilden introduced:

Senate Bill No. 1. A Bill for an Act Providing for the Organization of Farmers State Mutual Fire and Lightning Reinsurance Companies.

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

Senator Whelan introduced:

Senate Bill No. 2. A Bill for an Act Providing for the Refunding of the Indebtedness of the State of North Dakota, the Issuance of Refunding Bonds by the Industrial Commission, Prescribing the Terms and Conditions Hereof, Providing for Their Sale Exchange and Delivery, Establishing the "Refunding Bond Fund" and the "Refunding Bond Interest Fund," Providing for Annual Tax Levies, Providing for the Retirement and Payment of North Dakota's Outstanding Obligations, Providing for the Issuance of Certificates of Indebtedness and Their Payment, Amending Chapter 148, Session Laws of 1919 (Sections 2290a1 to 2290a11, inclusive, 1925 Supplement to the 1913 Compiled Laws), Chapter 154 of the Session Laws of 1919 (Sections 2290b1 to 2290b16 inclusive, 1925 Supplement to the 1913 Compiled Laws), Chapter 292, Session Laws of 1923 (Sections 2290c1 to 2290c15, inclusive, 1925 Supplement to the Compiled Laws), Chapter 153 Session Laws of 1919 (Sections 2290d1 to 2290d17, inclusive, 1925 Supplement to the 1913 Compiled Laws), Chapter 291, Session Laws of 1923 (Sections 2290e1 to 2290e9, inclusive, 1925 Supplement of the 1913 Compiled Laws), Chapter 152, Session Laws of 1929, Chapter 102 Session Laws of 1931, Chapter 90, Session Laws of 1933, and Amendments to the Same, Transferring Assets and Funds Securing North Dakota Bonds for the Use of Refunding Bonds and Interest Thereon, Repealing All Acts or Parts of Acts Inconsistent with the Provisions of This Enactment, and Declaring an Emergency.

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

Senators Cain, Lynn, Young and Whelan introduced:

Senate Bill No. 3. A Bill for an Act Prohibiting the Manufacture, Owning, Operating, Storing, Possessing, Selling,

Renting, Leasing, Lending, Transporting, or in any Manner Handling or Exposing for Sale or Lease, any Slot Machine, Ball Machine, or Other Device; Defining the Duties of State's Attorneys, Peace Officers; Providing Penalties for the Violation of the Provisions of This Act; Continuing in Force Present Statutory Regulations Prohibiting or Regulating Slot Machines and Declaring an Emergency.

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

Senators Cain, Wog, Nelson of Grand Forks and Gronvold introduced:

Senate Bill No. 4. A Bill for an Act to Amend and Re-enact Section 5, Chapter 170 of the Session Laws of North Dakota for the Year 1933, Relating to Municipal Bond Issues and Elections Therefor, and Declaring an Emergency.

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

The Committee on Appropriations introduced:

Senate Bill No. 5. A Bill for an Act Making an Appropriation for the Inspection and Eradication of Bee Diseases, Under the Provisions of Chapter 140, Session Laws of 1923, the Same Being Sections 2790a1-2790a18 of the Supplement to the 1913 Compiled Laws of North Dakota.

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

The Committee on Appropriations introduced:

Senate Bill No. 6. A Bill for an Act Making an Appropriation for the Maintenance of the State Capitol and for Improvements, Repairs, Insurance and Upkeep of Grounds.

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

The Committee on Appropriations introduced:

Senate Bill No. 7. A Bill for an Act Making an Appropriation for the Purpose of Indemnifying Owners of Animals Infected with Bovine Tuberculosis and to Pay Expenses in Connection Therewith.

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

The Committee on Appropriations introduced:

Senate Bill No. 8. A Bill for an Act Making an Appropriation for the Glanders and Dourine Indemnity Fund.

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

Senator Gilbertson introduced:

Senate Bill No. 9. A Bill for an Act to Amend and Re-

enact Section 1, of Chapter 172 of the Session Laws of 1929, as Amended and Re-enacted by Chapter 200 of the Session Laws of 1935, Which Authorizes and Empowers Cities, Towns or Villages to Purchase, Erect, Operate and Maintain or Lease Electric Light and Power Plant, Electric Distribution System and Transmission Line, Telephone Plant, or Parts of System or Lines or Waterworks, Mains, Distribution System and/or Equipment or Appliances Connected Therewith, as Provided for in the Act; Providing That Wherever Such Plant, System, Line or Waterworks Already Exist and is in Operation Such Municipality Shall Acquire the Same by Agreement with the Owner or by Condemnation Proceedings; and Declaring an Emergency.

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

The Committee on Appropriations introduced:

Senate Bill No. 10. A Bill for an Act Making an Appropriation for the Purpose of Carrying Out the Provisions of Chapter 203, Session Laws 1919, and Chapter 115, Session Laws 1921, the Same Being Sections 1471b1 to 1471b9 and 1471c1 to 1471c8 of the Supplement to the 1913 Compiled Laws of North Dakota.

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

The Committee on Appropriations introduced:

Senate Bill No. 11. A Bill for an Act Making an Appropriation for the Purpose of Paying a Bounty on Wolves and Coyotes as Provided for Under Sections 2645 to 2656, Inclusive, of the Supplement to the Compiled Laws of 1913 as Amended by Chapter 283, Session Laws of 1927 and as Amended by Chapter 9, Session Laws of 1933, and Magpie Bounty as Provided for by Sections 2656b1 to 2656b9, Inclusive, of the Supplement to the 1913 Compiled Laws of North Dakota; and Declaring an Emergency.

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

The Committee on Appropriations introduced:

Senate Bill No. 12. A Bill for an Act Making an Appropriation for the Per Diem, Salaries and General Expenses of the State Livestock Sanitary Board.

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

#### FIRST READING OF HOUSE BILLS

House Bill No. 1. A Bill for an Act Making an Emergency Appropriation to Provide for the Relief of Destitute and Necessitous Persons and for Other Welfare Activities; Providing for the Distribution of This Appropriation by the Public Welfare Board; and Declaring an Emergency.

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

MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
January 12, 1937.

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

SENATE CONCURRENT RESOLUTION "B"

Which the House has passed.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
January 12, 1937.

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

SENATE CONCURRENT RESOLUTION "A"

Which the Speaker has signed.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House Joint Resolution "C," Requesting the Bank of North Dakota, with the approval of the Industrial Commission, to make a loan to the Public Welfare Board of North Dakota to meet existing relief emergency.

Was read the first time.

Senator Brostuen moved that the rules be suspended, and House Joint Resolution "C" be placed upon second reading and final passage.

Senator Fowler moved, as a substitute motion, that consideration of House Joint Resolution "C" be made a special order of business for 1:30 tomorrow.

Following discussion Senator Fowler withdrew his substitute motion and moved that a 15 minute recess be taken for the purpose of considering House Joint Resolution "C", which motion prevailed and a 15 minute recess was taken.

The Senate reconvened, pursuant to recess taken.

Senator Brostuen withdrew his motion for suspension of the rules to allow immediate consideration of House Joint Resolution "C."

House Joint Resolution "C" was referred to the Committee on State Affairs.

Senator Coffey requested that the Senate return to the 7th order of business.

Which request was granted.

Senators Coffey and Cain presented:

Senate Resolution "B" extending the sympathy of the Senate to former Senator P. J. Murphy of the Fourth Legislative District in his present illness, and expressing gratitude and appreciation for his many years of faithful and efficient service to the people of the State of North Dakota.

Which was read from the desk.

Senator Coffey moved that the resolution be adopted.

Which motion prevailed.

Senator Coffey then moved that a properly enrolled copy of Senate Resolution "B" be immediately forwarded to former Senator Murphy.

Which motion prevailed.

Senator Drew moved that a recess of 30 minutes be taken in order to give the Appropriations and State Affairs Committees time to consider House Joint Resolution "C" in connection with House Bill No. 1, which motion prevailed.

The Senate re-convened pursuant to recess taken.

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

Senator Cain moved the executive session be dissolved.

Which motion prevailed.

Senator Brostuen moved that the Senate recess until 1:00 o'clock tomorrow.

Which motion prevailed.

The Senate stood recessed.

#### COURTESIES OF THE FLOOR

The courtesies of the floor were extended to:

Gerald Olson, Mooreton; Mrs. J. C. Kjos, Wyndmere; Gordon O'Donnell, Cleveland; Frank Van Kent, Bismarck; A. J. Barrett, Sanish; H. E. Ellickson, Charlson.

THOMAS McDONALD,  
Secretary.

## EIGHTH DAY AFTER RECESS AND NINTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
January 13, 1937.

The Senate convened at 1:00 p. m., pursuant to recess taken, the President presiding.

Senator Gilbertson, Chairman of the Committee on Committee Rooms, presented the following report:

## SENATE COMMITTEES AND COMMITTEE ROOMS

Committee.	Room No.
Appropriations .....	207
Apportionment .....	207
Judiciary .....	204
Banks and Banking .....	204
Railroads .....	204
Counties .....	204
Ways and Means .....	204
State Affairs .....	205
Game and Fish .....	205
Public Health .....	205
Public Printing .....	205
Taxes and Tax Laws .....	203
Highways and Bridges .....	203
Insurance .....	203
Agriculture and Live Stock .....	203
Elections .....	206
Corporations .....	206
Federal Relations .....	206
Immigration and Statistics .....	206
Irrigation and Drainage .....	206
Education .....	201
Military and Indian Affairs .....	201
Public Safety .....	201
Warehouse and Grain Grading .....	201
Temperance .....	201
Enrolling and Engrossing Bills .....	101
Delayed Bills .....	101
Revision and Correction of Journal .....	101

Mileage and Per Diem .....	102
Mines and Minerals .....	102
Public Lands .....	102
Rules .....	102
Women's and Children's Welfare .....	102

Senator Gilbertson moved that the above schedule be substituted for the one previously adopted.

Which motion prevailed.

The Secretary announced that the President was about to sign:

#### SENATE CONCURRENT RESOLUTION "B"

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

Senator Drew requested that the Senate return to the fifth order of business.

Which request was granted.

#### REPORTS OF STANDING COMMITTEES

The Committee on State Affairs made the following report:

Mr. President: Your Committee on State Affairs to whom was referred:

#### HOUSE JOINT RESOLUTION "C"

Requesting the Bank of North Dakota, with the Approval of the Industrial Commission, to Make a Loan to the Public Welfare Board of North Dakota to Meet Existing Relief Emergency.

Have had the same under consideration and recommend that the same be indefinitely postponed.

G. F. DREW,  
Chairman.

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

#### MESSAGE TO THE HOUSE

Senate Chamber,  
January 13, 1937.

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

#### HOUSE JOINT RESOLUTION "C"

Requesting the Bank of North Dakota, with the Approval of the Industrial Commission, to Make a Loan to the Public Welfare Board of North Dakota to Meet Existing Relief Emergency.

Which the Senate has indefinitely postponed.

Very respectfully,

THOMAS McDONALD,  
Secretary.



The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred:

House Bill No. 1. A Bill for an Act Making an Emergency Appropriation to Provide for the Relief of Destitute and Necessitous Persons and for Other Welfare Activities; Providing for the Distribution of This Appropriation by the Public Welfare Board; and Declaring an Emergency.

Have had the same under consideration and recommend that the same be amended as follows:

In the title of the engrossed bill after the first word "appropriation," add the following: "out of monies in the Retail Sales Tax Fund created by Chapter 276, Laws of 1935."

Strike out all the "whereas clauses" in the engrossed bill.

In Section 1 of the engrossed bill in line two strike out the figures \$1,500,000 and insert in lieu thereof the figures \$400,000.

In Section 1 of the engrossed bill in line two after the word "Treasury" strike out the language "not otherwise appropriated" and insert in lieu thereof the language "in the Retail Sales Tax Fund created by Chapter 276, Laws of 1935."

In Section 1 of the engrossed bill in line five after the word "persons" insert the following "for the months of January and February."

In Section 3 of the engrossed bill in line four strike out the word "six" and insert the word "two" and in the same line strike out the words "June 30th" and insert in lieu thereof the words "February 28th."

Strike out all of Section 4 and insert in lieu thereof the following: "This Act is hereby declared an emergency measure and shall be in full force and effect from and after its passage and approval."

B. W. LEMKE,  
Chairman

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

Senator McGillic moved that the Senate do now adjourn.

Which motion prevailed.

The Senate stood adjourned.

THOMAS McDONALD,  
Secretary.

#### NINTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
January 13, 1937.

The Senate convened at 2:00 p. m., pursuant to adjournment, the President presiding.

Prayer by the Chaplain, Rev. G. Adolph Johns, Bismarck.

Roll Call: All Senators present except Senators Fine, Guenther and Hulteng.

Senator Gronvold moved that the absent Senators 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 Seventh Day after Recess and Eighth Day and recommend that the same be corrected as follows:

On page 2, line 16, correct spelling of the name "Clifford."

On page 9, following line 27, insert the following: "Senator Cain moved that the executive session be dissolved, which motion prevailed."

On page 4, line 9 from bottom of page, correct spelling of the word "fathers."

And when so corrected recommend that the same be approved.

C. C. MORRISON,  
Chairman.

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

#### PETITIONS AND COMMUNICATIONS

Senator Magoffin presented a resolution adopted by the County Commissioners of Dickey County requesting passage of legislation transferring cost of maintaining indigent patients at state institutions to the state; also a resolution urging the immediate authorization of transfer of sales tax monies to to the State Welfare Board.

Referred to State Affairs Committee.

Senator Williams presented a resolution signed by 9 citizens of Williams County requesting the legislature to take such action as is necessary to abate 50% of the 1935 hail tax.

Referred to the Committee on Insurance.

Senator Stucke presented a resolution adopted by Roseglen Local No. 543 of the North Dakota Farmers Union and the Roseglen Local of the North Dakota Farm Holiday Association, calling the attention of the North Dakota Legislature to the necessity for progressive legislation along the following lines: Inclusion of cooperative studies in required courses in public schools with the recommendation that Farmers Union officials and State Superintendent of Public Instruction be designated to draft such courses; continued appropriations for correspondence courses in high schools; provision of aid to rural schools sufficient to guarantee continued operation; consideration of transforming one of the western state teachers colleges into a State trade school similar to the one at Wahpeton; prohibiting compulsory military training in state institutions of higher learning; requiring sales tax, if continued, to be made a replacement tax; a sharply graduated income tax and a graduated tax on real estate; amendment of the present moratorium law to give full protection to the

mortgagor at all times; and legislation necessary to take the State Mill and Elevator out of partisan politics.

Referred to State Affairs Committee.

President Thoresen presented a communication from the State Historical Society calling the attention of the Senators, officers and employees of the Senate to the fact that all North Dakota newspapers are to be found in the State Historical Library, and may be consulted there.

#### FIRST READING OF SENATE BILLS

Senators Topp and Young introduced:

Senate Bill No. 13. A Bill for an Act Requiring Licenses for the Operation, Maintenance, Opening or Establishment of Stores in This State, Prescribing the License and Filing Fees to Be Paid Therefor, and the Disposition Thereof, and the Powers and Duties of the State Tax Commissioner in Connection Therewith, and Prescribing Penalties for the Violation Thereof.

Was read the first time and referred to the Committee on Taxes and Tax Laws.

The Committee on Appropriations introduced:

Senate Bill No. 14. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the State Historical Society.

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

The Committee on Appropriations introduced:

Senate Bill No. 15. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the Department of Public Health.

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

The Committee on Appropriations introduced:

Senate Bill No. 16. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the Public Health Laboratories.

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

The Committee on Appropriations introduced:

Senate Bill No. 17. A Bill for an Act Making an Appropriation for the Purpose of Paying Salaries, Clerkhire and General Expenses of the Division of Child Hygiene.

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

The Committee on Appropriations introduced:

Senate Bill No. 18. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the Department of Coal Mine Inspection.

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

The Committee on Appropriations introduced:

Senate Bill No. 19. A Bill for an Act Making an Appropriation for the use by the Board of Administration in Administering Child Welfare Laws.

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

The Committee on Appropriations introduced:

Senate Bill No. 20. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary and Miscellaneous General Expenses of the Department of Minimum Wage.

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

Senators Brostuen and Thatcher introduced:

#### SENATE CONCURRENT RESOLUTION "C"

Petitioning the Secretary of Agriculture, as chairman of the President's Committee, to extend the period of time used as a production base in calculating crop insurance rates.

Which was read the first time and referred to the Committee on Agriculture.

Senator Drew requested that the Senate return to the Fifth Order of Business.

Which motion prevailed.

Senator Drew moved that the Senate do now go into executive session.

Which motion prevailed.

Senator Stucke moved that the executive session be dissolved.

Which motion prevailed.

The President of the Senate announced that the executive session had had under consideration the nomination made by the Governor for the following position, namely: J. K. Murray, of Mott, North Dakota, as State Tax Commissioner; and that the Senate had consented to and confirmed said nomination.

Senator Lemke moved that the Senate return to the Fourteenth Order of Business.

Which motion prevailed.

#### SECOND READING OF HOUSE BILLS

House Bill No. 1. A Bill for an Act Making an Emergency Appropriation to Provide for the Relief of Destitute and Necessitous Persons and for Other Welfare Activities;

Providing for the Distribution of This Appropriation by the Public Welfare Board; 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, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Olson
Bilden	Kamrath	Owings
Blaisdell	Kolpin	Skarvold
Brostuen	Kroeber	Strehlow
Cain	Lavik	Streibel
Coffey	Lemke	Stucke
Crandall	Lian	Thorson
Drew	Lowe	Topp
Ettestad	Lynn	Trout
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guthrie	Nelson, Grand Fks.	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fine	Hulteng	Thatcher
Guenther		

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

Senator Brostuen moved that the vote by which House Bill No. 1 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

**MESSAGE TO THE HOUSE**

Senate Chamber,  
Bismarck, North Dakota,  
January 13, 1937.

Mr. Speaker: I have the honor to return:

House Bill No. 1. A Bill for an Act Making an Emergency Appropriation to Provide for the Relief of Destitute and Necessitous Persons and for Other Welfare Activities; Providing for the Distribution of This Appropriation by the Public Welfare Board; and Declaring an Emergency.

Which the Senate has amended.

Very respectfully,  
THOMAS McDONALD,  
Secretary.

## MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
January 13, 1937.

Mr. President: I have the honor to inform you that the Speaker has appointed Representatives Greiser, Schauss and Peterson of Renville to serve with a like committee of the Senate to investigate the cost of printing the Journals and Bills for the Senate and House.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

Senator Whelan asked that the Senate return to the Seventh Order of Business.

Which request was granted.

Senator Whelan moved that Senate Resolution "B," referring to the illness of former Senator P. J. Murphy, be recalled from the Secretary of State's office for the purpose of having the same re-enrolled.

Which motion prevailed.

Senator Whelan moved that Senate Resolution "B" be returned to the Enrolling and Engrossing Department for correction.

Which motion prevailed.

Senator Lowe moved that the Senate recess until 1:30 tomorrow.

Which motion prevailed.

The Senate stood recessed.

## COURTESIES OF THE FLOOR

The courtesies of the floor were extended to:

C. C. Wattam, A. C. Townley, Fargo; Mrs. J. D. Harris, Mrs. Dell Patterson, W. E. Berman, Bismarck; Oscar Redwing, Elmer Larson, Ed Hough, Laurentz Vold, John Shegaris, Emil Kresl, and Martin Lake, Grand Forks; John Kounousky, Hillsboro; Ray Goodwin and W. C. Vandervort, Marmarth.

THOMAS McDONALD,  
Secretary.

## NINTH DAY AFTER RECESS AND TENTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
January 14, 1937.

The Senate convened at 1:30 p. m., pursuant to recess taken, the President presiding.

## MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
January 13, 1937.

Mr. President: I have the honor to inform you that the House has refused to concur in the Senate amendment to House Bill No. 1, and the Speaker has appointed as a conference committee to act with a like committee from the Senate, Representatives Godwin, Traynor and Burgum.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

Senator Watt moved that the President appoint a conference committee of three to confer with a like committee from the House on House Bill No. 1, which motion prevailed. The President appointed on such committee the following Senators: Watt, Lemke and Drew.

## MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
January 14, 1937.

Mr. Speaker: I have the honor to inform you that the President has appointed as a Conference Committee on House Bill No. 1 Senators Watt, Lemke and Drew.

Very respectfully,

THOMAS McDONALD,  
Secretary.

President Thoresen made the following announcement:

In order to avoid confusion and error as much as possible, the Chair wishes to suggest that there be no interlineations or amendments made on the typewritten, original bills, or engrossed bills, by Chairmen or Clerks of Committees; that all amendments should be typed in triplicate on forms provided for that purpose, and that all amendments refer to the original typewritten or engrossed bill, and not to the printed bill.

Senator Lowe moved that the Senate do now adjourn, which motion prevailed.

The Senate stood adjourned.

THOMAS McDONALD,  
Secretary.

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#### TENTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
January 14, 1937.

The Senate convened at 2:00 p. m., pursuant to adjournment, the President presiding.

Prayer by the Chaplain, Rev. G. Adolph Johns, Bismarck.

Roll Call: All Senators present except Fine, Greene, Hulteng and Streibel.

Senator Gronvold moved that all absent members 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 Eighth Day after Recess and Ninth Day and recommend that the same be corrected as follows:

On page 7, line 25, strike out the name "Guenther" and insert the name "Guthrie," and in line 29 strike out the name "Guthrie" and insert the name "Guenther."

And when so corrected recommend that the same be approved.

C. C. MORRISON,  
Chairman.

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

#### PETITIONS AND COMMUNICATIONS

Senator Vinje presented a communication from the County Commissioners of Traill County urging passage of legislation



to restore to the Hail Insurance Fund the money transferred from said fund in 1935, also legislation providing for more uniform hail insurance premium rates.

Referred to the Committee on Insurance.

Senator Olson presented a resolution signed by Elwood Eck and 42 others requesting the legislative assembly to memorialize Congress to "provide funds out of soil erosion and relief appropriation; such funds can only be used for caring and planting of trees, etc., the Federal Government to have full control of program." The resolution requested that only unemployed or relief workers were to be employed, from such as live in the community or county.

Referred to Committee on Agriculture.

A communication was received, addressed to the President of the Senate, from the United Commercial Travelers recommending passage of legislation requiring applicants for automobile licenses to have liability, property damage, and personal property insurance.

Referred to Committee on Highways.

Senator Morrison presented a petition signed by a committee of the Volunteer Fire Department of Steele urging the legislature to enact laws along the following lines: Bringing volunteer firemen under the protection of the Workmen's Compensation laws; requiring bulk oil stations to provide proper dikes for bulk oil tanks; re-enacting the arson laws of the state to conform with those of other states; imposing similar penalties for negligence in setting fires, upon people living in cities and villages, as those now imposed upon farm people for similar offenses.

Referred to the Committee on State Affairs.

#### REPORT OF STANDING COMMITTEES

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred:

Senate Bill No. 6. A Bill for an Act Making an Appropriation for the Maintenance of the State Capitol and for Improvements, Repairs, Insurance and Upkeep of Grounds.

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

B. W. LEMKE,  
Chairman.

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

The Committee on Agriculture made the following report:

Mr. President: Your Committee on Agriculture to whom was referred:

## SENATE CONCURRENT RESOLUTION "C"

Have had the same under consideration and recommend that the same be adopted.

HERMAN THORSON,  
Chairman.

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

Senate Thatcher moved that Senate Concurrent Resolution "C," be considered properly engrossed and placed upon second reading and final passage.

Which motion prevailed.

## SENATE CONCURRENT RESOLUTION "C"

Was read the second time.

Senator Brostuen moved that Senate Concurrent Resolution "C" be adopted.

Which motion prevailed.

Senator Brostuen moved that the vote by which Senate Concurrent Resolution "C" was adopted be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

## MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
January 14, 1937.

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

## SENATE CONCURRENT RESOLUTION "C"

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

Very respectfully,

THOMAS McDONALD,  
Secretary.

The Secretary announced that the President was about to sign "Senate Concurrent Resolution "B" and the President signed the same in the presence of the Senate.

## MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
January 14, 1937.

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

## SENATE CONCURRENT RESOLUTION "B"

Which the President has signed and your signature is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

## FIRST READING OF SENATE BILLS

Senator Blaisdell introduced:

Senate Bill No. 21. A Bill for an Act to Provide That Judgments or Liens not Renewed Within Ten Years from Date of Docketing, Shall Be Discharged and Satisfied of Record.

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

Senator Blaisdell introduced:

Senate Bill No. 22. A Bill for an Act Amending and Re-enacting Section 714a13, Supplement to the Compiled Laws of 1913 as Amended by Chapter 227 of the Session Laws for the Year 1927, and as Further Amended by Chapter 222 of the Session Laws of 1931.

Was read the first time and referred to the Committee on Banks and Banking.

Senator Blaisdell introduced:

Senate Bill No. 23. A Bill for an Act to Amend and Re-enact Sections 2, 3 and 8 of Chapter 135, of the Session Laws of 1935, Relating to the Election of Presidential Electors, Precinct Committeemen; Delegates to National Conventions, National Committeemen and Committeewomen; for organization of County and State Committees, of Political Parties.

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

Senators Lowe, Gronvold, Stucke and Ettestad introduced:

Senate Bill No. 24. A Bill for an Act Relating to Motor Vehicles, Trailers, and Semi-trailers, the Ownership Thereof, and Other Interests Therein, and to Provide for the Registration Thereof, the Issuance of Certificates of Title Therefor Upon Payment of Fees; and to License Persons in the Business of Dealing in All Motor Vehicles; Trailers, and Semi-trailers; and to Protect Owners of Such Vehicles Against Theft, Embezzlement or Other Loss Thereof; Providing for Highway Traffic Regulations; and Providing for the Administration and Enforcement of Motor Vehicle Laws and Highway Traffic Regulations by Division of Highway Safety and Patrol; Providing for the Appointment of a Registrar of Motor Vehicles and Other Employees of the Department; Providing for the Appointment of a Superintendent of

Division of Highway Safety and Patrol and Other Patrolmen and Employees; Prescribing Their Salaries and Providing for the Expense of Administration; Prescribing Their Duties and Term of Office; Providing for Operator's and Chauffeur's Licenses and the Fees to Be Paid Therefor; Providing for the Taking of Registration and Operator's and Chauffeur's License Applications; Providing for the Safety, Welfare and Protection of the Traveling Public in the Use of the Highways; Providing for Uniform Regulation of Highway Traffic; Providing for the Enforcement and Penalties for the Violation of the Provisions of This Act; Prescribing Rules of Interpretation and Repealing any Act or Parts of Acts Inconsistent with or in Conflict with the Provisions of This Act.

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

Senator Thorson introduced:

Senate Bill No. 25. A Bill for an Act Declaring the Law of the State of North Dakota with Reference to the Extent to Which Lands Used and Usable for Farming and Ranching Purposes in This State May Lawfully Be Charged with Tax Obligations, and Providing for an Over-all Limitation on the Tax Charges in Money Which May Lawfully Be Spread Against Such Lands, and Providing a Remedy for Past and Future Excessive Charges, and Declaring an Emergency.

Was read the first time and referred to the Committee on Tax and Tax Laws.

Senator Thorson requested permission to withdraw Senate Bill No. 25.

Which request was granted.

Senators McGillic, Drew and Coffey introduced:

Senate Bill No. 26. A Bill for an Act to Provide for a Civil Service Commission and Providing for the Appointment of an Executive Secretary Thereto; Defining the Powers, Duties and Compensation of Such Commission and Executive Secretary; Providing for and Defining a Classified Civil Service for the State of North Dakota; Granting to the Civil Service Commission the Right to Make Rules for the Examination and Certification of Persons Eligible for Appointment to Positions in the Classified Civil Service; Making Certain Rules for the Appointment, Promotion, Transfer, and Reinstatement of Persons to Positions in the Classified Civil Service; Providing Penalties for Violations of the Act and Making an Appropriation for the Purpose of Paying the Salaries and Other Expenses of Said Civil Service Commission.

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

Senators Gilbertson and Aasen introduced:

Senate Bill No. 27. A Bill for an Act Making it Unlawful for the Governor or any Officer of the State, or any Manager or Executive Head or Other Person Directly or Indirectly Employed by any Department, Bureau, Commission or Industry of This State, or any Member of any State Board, to Appoint any Member of the Legislative Assembly to any Civil Office or any Civil Employment During the Term for Which Said Member Shall Have Been Elected; Making it Unlawful for any Member of Said Legislative Assembly to Accept Such Employment; Providing a Penalty, and Declaring an Emergency.

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

Senator Whelan moved that Senate Bill No. 24, being a bill of approximately 160 typewritten pages, the printing of which would entail considerable expense, be not printed pending action of the Committee on Highways.

Which motion prevailed.

Senator Guenther: "Mr. President and members of this body, please accept my heartfelt appreciation for the beautiful memorial resolution passed by this body. It portrays the good fellowship and sympathetic feeling that is so prevalent among the people of our state, and I wish to thank you very kindly."

Senator Brostuen announced that the Committee on Tax and Tax Laws would meet in Committee Room 203 at 11:00 a. m., tomorrow.

The Secretary announced that a bulletin board would be placed in the Senate chamber and that notices of committee meetings should be placed thereon for the benefit of committee members.

Senator Lowe moved that the Senate do now recess until tomorrow at 1:30, which motion prevailed.

The Senate stood recessed.

#### COURTESIES OF THE FLOOR

The courtesies of the floor were extended to the following: Oscar Olson, Bowman; Carl F. Lilja, Forman; Miss Theodora Allen, Bismarck, Miss Garberg, Fargo.

THOMAS McDONALD,  
Secretary.

## TENTH DAY AFTER RECESS AND ELEVENTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
January 15, 1937.

The Senate convened at 1:30 P. M., pursuant to recess taken, the President pro tem presiding.

Senator Coffey requested that the Senate be on the Seventh Order of Business.

Which request was granted.

Senator Coffey moved that the name of Senator Lavik be added to the names of Senators introducing Senate Bill No. 27.

Which motion prevailed.

Senator Whelan moved that the vote by which Helen Sing was elected be reconsidered.

Which motion prevailed.

Senator Whelan then moved that the name of Eva Goetz of Jamestown be substituted for the name of Helen Sing as Enrolling and Engrossing Clerk.

Which motion prevailed.

## ROLL CALL

The question being on the nomination of Eva Goetz as Enrolling and Engrossing Clerk, the roll was called and there were ayes, 40; nays, 0; absent and not voting, 9.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Nelson, Grand Fks.
Bilden	Guthrie	Olson
Blaisdell	Johnson	Owings
Brostuen	Kolpin	Skarvold
Cain	Kroeber	Strehlow
Coffey	Lavik	Stucke
Crandall	Lemke	Topp
Drew	Lian	Trout

Messrs.	Messrs.	Messrs.
Ettestad	Lowe	Vinje
Fowler	Lynn	Whelan
Fredrickson	Morrison	Williams
Gilbertson	Mutchler	Wog
Greene	Nelson, Barnes	Young
Gronvold		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fine	Magoffin	Thatcher
Hulteng	McGillic	Thorson
Kamrath	Streibel	Watt

So Eva Goetz was declared elected.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
January 15, 1937.

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

#### SENATE CONCURRENT RESOLUTION "B"

Which the Speaker has signed.

Very respectfully,  
MINNIE D. CRAIG,  
Chief Clerk.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
January 15, 1937.

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

#### SENATE CONCURRENT RESOLUTION "C"

Which the House has passed unchanged.

Very respectfully,  
MINNIE D. CRAIG,  
Chief Clerk.

Senator Mutchler made the following motion: "I move at this time that a committee of three be appointed from the Senate to confer with a like committee from the House to call upon the Governor, who is soon to go to Washington, to urge upon him the necessity of calling the attention of our President to pledges which he made prior to the election that the people of North Dakota should not suffer for necessities of life and for feed for their stock; that the Senate and House of Representatives of the Twenty-fifth Legislative Assembly of North Dakota in their dire need of funds, have had to take from the sales tax funds the sum of one-half million

dollars to meet this pressing need—funds which are sorely needed to keep our schools in session in North Dakota.”

The question being on the motion of Senator Mutchler that a committee of three be appointed to confer with the Governor, the motion prevailed.

The President pro tem appointed on such committee Senators Mutchler, Williams and Guenther.

Senator Ettestad moved that the Senate do now adjourn

Which motion prevailed.

The Senate stood adjourned.

THOMAS McDONALD,  
Secretary.

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#### ELEVENTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
January 15, 1937.

The Senate convened at 2:00 p. m., pursuant to adjournment, the President presiding.

Prayer by the Chaplain, Rev. G. Adolph Johns, Bismarck.

Roll call. All members present except Senators Fine, Hulteng, and Streibel.

Senator Gronvold moved that the absent Senators 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 ninth day after recess and tenth day and recommend that the same be corrected as follows:

On page 5. line 11, correct spelling of the word “Liens.”

On page 6, line 13, correct spelling of the word “Rules.”

On page 7, line 21, following the name “Guenther” insert the following: “Mr. President and Members of this Body:”

And when so corrected recommend that the same be approved.

C. C. MORRISON,  
Chairman.



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

#### PETITIONS AND COMMUNICATIONS

The following petitions and communications were received and referred to the appropriate committees:

A communication from the Flasher Local of the Farmers Union urging passage of legislation to abolish compulsory military training.

A copy of a joint resolution adopted by the Minnesota Legislature relative to taxation of national banks.

A copy of House Concurrent Resolution No. 14 passed by the Florida Legislature, providing for appointment of an unpaid Commission on Interstate Cooperation, and copies of similar resolutions adopted by the legislatures of New Jersey, Pennsylvania, New Hampshire and North Carolina.

A communication signed by officials of various Williams County organizations relative to the critical relief situation in that county.

#### REPORTS OF STANDING COMMITTEES

The Committee on Highways made the following report:

Mr. President: Your Committee on Highways to whom was referred:

Senate Bill No. 24. A Bill for an Act Relating to Motor Vehicles, Trailers, and Semi-trailers, the Ownership Thereof, and Other Interests Therein, and to Provide for the Registration Thereof, the Issuance of Certificates of Title Thereupon Upon Payment of Fees; and to License Persons in the Business of Dealing in All Motor Vehicles; Trailers, and Semi-trailers; and to Protect Owners of Such Vehicles Against Theft, Embezzlement or Other Loss Thereof; Providing for Highway Traffic Regulations; and Providing for the Administration and Enforcement of Motor Vehicle Laws and Highway Traffic Regulations by Division of Highway Safety and Patrol; Providing for the Appointment of a Registrar of Motor Vehicles and Other Employees of the Department; Providing for the Appointment of a Superintendent of Division of Highway Safety and Patrol and Other Patrolmen and Employees; Prescribing Their Salaries and Providing for the Expense of Administration; Prescribing Their Duties and Term of Office; Providing for Operator's and Chauffeur's Licenses and the Fees to Be Paid Therefor; Providing for the Taking of Registration and Operator's and Chauffeur's License Applications; Providing for the Safety, Welfare and Protection of the Traveling Public in the Use of the Highways; Providing for Uniform Regulation of Highway Traffic; Providing for the Enforcement and Penalties for the Violation of the Provisions of This Act; Prescribing Rules of Interpretation and Repealing any Act or Parts of Acts Inconsistent with or in Conflict with the Provisions of This Act.

Have had the same under consideration and recommend that the same be printed and the printing thereof be referred to the Committee on Printing, to be done as cheaply as possible.

GUST WOG,  
Chairman.

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

#### REPORT OF COMMITTEE ON JOINT RULES

The Joint Committees of the Senate and House on joint rules, made the following report:

Mr. President and Mr. Speaker: Your Joint Committee on joint rules of the House and Senate have had under consideration the adoption of joint rules for the House and Senate for this, the 25th Legislative Assembly and do hereby recommend that the joint rules of the 24th Legislative Assembly of the State of North Dakota be adopted as the joint rules of the House and Senate for the 25th Legislative Assembly.

Dated, January 15, 1937.

For the Senate:

A. W. FOWLER, Chairman  
WILLIAM KROEBER,  
GEORGE V. COFFEY,  
N. N. NELSON.

For the House:

PALMER LEVIN,  
RICHARD DAY,  
A. W. BENNO,  
EDW. SAVRE,  
WM. H. TUFF.

Senator Fowler moved the adoption of the report, which motion prevailed and the report was declared adopted.

#### REPORTS OF STANDING COMMITTEES

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred:

Senate Bill No. 12. A Bill for an Act Making an Appropriation for the Per Diem, Salaries and General Expenses of the State Livestock Sanitary Board.

Have had the same under consideration and recommend that the same be amended as follows:

In line 18, of the engrossed bill, strike out the figures "\$10,000.00" and insert in lieu thereof the figures "\$2,500."

In lines 3 and 21 of the engrossed bill, strike out the fig-

ures \$35,810.00" and insert in lieu thereof the figures "\$28,310.00."

B. W. LEMKE,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred:

Senate Bill No. 8. A Bill for an Act Making an Appropriation for the Glanders and Dourine Indemnity Fund.

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

B. W. LEMKE,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred:

Senate Bill No. 7. A Bill for an Act Making an Appropriation for the Purpose of Indemnifying Owners of Animals Infected with Bovine Tuberculosis and to Pay Expenses in Connection Therewith.

Have had the same under consideration and recommend that the same be amended as follows:

In line 3 of the engrossed bill, strike out the figures "\$60,000.00" and insert in lieu thereof the figures "\$50,000.00"

And when so amended recommend that the same do pass.

B. W. Lemke,  
Chairman.

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

#### REPORT OF SELECT COMMITTEE

The Conference Committee on House Bill No. 1 made the following report:

Mr. President: Your Conference Committee to whom was referred:

House Bill No. 1. A Bill for an Act Making an Emergency Appropriation to Provide for the Relief of Destitute and Necessitous Persons and for Other Welfare Activities;

Providing for the Distribution of This Appropriation by the Public Welfare Board; and Declaring an Emergency.

Have had the same under consideration and recommend that the House accept the Senate amendments with the exception that where the figures "\$400,000" appear therein that they shall be changed to "\$500,000" and it is further recommended that the bill be further amended as follows:

At the end of the title as amended, strike out the period and add the following: "and repealing all acts and parts of acts in conflict herewith."

After Section 3 of the original bill insert: "Section 4. Repeal. All acts or parts of acts in conflict herewith are hereby repealed."

Change Section 4 in the original bill to "Section 5."

For the Senate:

WM. WATT, Chairman  
G. F. DREW,  
B. W. LEMKE,

For the House:

W. J. GODWIN,  
EDWIN TRAYNOR,  
L. R. BURGUM.

Senator Watt requested that adoption of report on House Bill No. 1 be deferred for a short time, pending action by the House, which request was granted.

Senator Fowler advised the Senate that a well known artist, Mr. Gullickson of Grand Forks, had painted an original painting of the Declaration of Independence which he desired to present to the State of North Dakota to be hung in the Senate Chamber.

Senator Fowler moved that a committee be appointed to investigate the matter, view the painting, and report back to the Senate, which motion prevailed.

The President appointed on such committee Senators Fowler, Stucke, Nelson of Grand Forks, Vinje and Lian.

#### FIRST READING OF SENATE BILLS

Senator Mutchler introduced:

Senate Bill No. 28. A Bill for an Act to Amend and Re-enact Section 8 of Chapter 97 of the Session Laws of 1935, Relating to the Delegation of Power to Incorporated Cities and Villages and Board of County Commissioners with Reference to Beer Licenses, Providing for Hours of Closing and Providing for Penalty of Violations of Act.

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

The Committee on Appropriations introduced:

Senate Bill No. 29. A Bill for an Act Making an Appropriation for Poor and Destitute Persons, Providing the Methods of Expenditure and Audit Thereof; Supervision and Inspection Therefor.

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

The Committee on Appropriations introduced:

Senate Bill No. 30. A Bill for an Act Making an Appropriation for the North Dakota Children's Home and Aid Society of Fargo, North Dakota.

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

The Committee on Appropriations introduced:

Senate Bill No. 31. A Bill for an Act Making an Appropriation for Poor and Destitute Persons, Providing the Method of Expenditure and Audit Thereof; Supervision and Inspection Therefor.

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

The Committee on Appropriations introduced:

Senate Bill No. 32. A Bill for an Act Making an Appropriation for St. John's Orphanage of Fargo, North Dakota.

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

The Committee on Appropriations introduced:

Senate Bill No. 33. A Bill for an Act Making an Appropriation to Provide a State Contingency Fund to be Placed at the Disposal of the State Emergency Commission to be Used as Provided by Chapters 26 and 152, Session Laws of 1915, the Same Being Sections 283c1 to 283c6, Inclusive, and Section 283c10 of the Supplement to the 1913 Compiled Laws of North Dakota.

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

The Committee on Appropriations introduced:

Senate Bill No. 34. A Bill for an Act Making an Appropriation to Pay the Expenses of the State Board of Veterinary Medical Examiners as Authorized Under Sections 2711 to 2720, Inclusive, of the Compiled Laws of North Dakota, for the Year 1913.

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

The Committee on Appropriations introduced:

Senate Bill No. 35. A Bill for an Act Making an Appro-

riation for the Purpose of Paying Premiums on Bonds of State Officials as Provided by Chapter 175, Session Laws of 1917, the Same Being Section 663a1 of the Supplement to the 1913 Compiled Laws of North Dakota.

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

The Committee on Appropriations introduced:

Senate Bill No. 36. A Bill for an Act Making an Appropriation to Provide Funds to Pay the Necessary Expenses and Reasonable Compensation to Commissioners Appointed in Actions to Release Insane Patients as Prescribed by Section 2562 of the Compiled Laws of 1913.

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

The Committee on Appropriations introduced:

Senate Bill No. 37. A Bill for an Act Making an Appropriation for the Purpose of Refunding Money Erroneously Paid Into or Credited to the General Fund.

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

The Committee on Appropriations introduced:

Senate Bill No. 38. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire, Travel and General Expenses of the Office of Veterans' Service Commissioner as Prescribed by Chapter 281, Laws of 1927, and Chapter 74, Laws of 1929.

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

The Committee on Appropriations introduced:

Senate Bill No. 39. A Bill for an Act Making an Appropriation for the Care of Feeble Minded Whose Residence Cannot Be Determined and Whose Care Must Be Borne by the State.

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

The Committee on Appropriations introduced:

Senate Bill No. 40. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the State Seed Department.

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

The Committee on Appropriations introduced:

Senate Bill No. 41. A Bill for an Act Making an Appropriation for the North Dakota Soldiers' Home at Lisbon,

North Dakota; Providing for Reports and Deductions, and Declaring an Emergency.

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

The Committee on Appropriations introduced:

Senate Bill No. 42. A Bill for an Act Making an Appropriation for the Use and Benefit of the North Dakota Firemen's Association in Promoting Regional Fire Schools, and Other Activities of Such Association, as Provided for Under Chapter 137, Session Laws of 1935.

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

The Committee on Appropriations introduced:

Senate Bill No. 43. A Bill for an Act Making an Appropriation for the Purpose of Maintaining a State Employment Service, as Provided for Under Chapter 161, Session Laws of 1935.

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

Senator N. N. Nelson of Grand Forks introduced:

Senate Bill No. 44. A Bill for an Act to Amend and Re-enact Chapter 35 of the Session Laws of the State of North Dakota for the Year 1921, Relating to Council Proceedings.

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

Senator Ettestad introduced:

Senate Bill No. 45. A Bill for an Act Making an Appropriation for the Payment of Expenses to Be Incurred and Premiums Paid by the North Dakota State Turkey Show.

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

Senators Brostuen, Fowler, Coffey and Owings introduced:

Senate Bill No. 46. A Bill for an Act to Amend and Re-enact Section 2092a1, Supplement to the Compiled Laws of 1913, Relating to Tax Commissioner.

Was read the first time and referred to the Committee on Taxes and Tax Laws.

Senators McGillic, Mutchler, Trout and Young introduced:

Senate Bill No. 47. A Bill for an Act to Amend and Re-enact Sections 22, 23 and 24 of the Compiled Laws of North Dakota for 1913, and to Repeal Section 25 Thereof, Relating to the Redistricting of the State of North Dakota Into Two Congressional Districts and Defining the Same.

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

### SECOND READING OF SENATE BILLS

Senate Bill No. 6. A Bill for an Act Making an Appropriation for the Maintenance of the State Capitol and for Improvements, Repairs, Insurance and Upkeep of Grounds.

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, 6.

Those voting in the affirmative were:

<b>Messrs.</b>	<b>Messrs.</b>	<b>Messrs.</b>
Aasen	Kolpin	Owings
Bilden	Kroeber	Skarvold
Blaisdell	Lavik	Strehlow
Cain	Lemke	Stucke
Coffey	Lian	Thatcher
Crandall	Lowe	Thorson
Drew	Lynn	Topp
Ettestad	Magoffin	Trout
Fowler	McGillic	Vinje
Fredrickson	Morrison	Watt
Gilbertson	Mutchler	Whelan
Greene	Nelson, Barnes	Williams
Gronvold	Nelson, Grand Fks.	Wog
Guenther	Olson	Young
Guthrie		

Absent and not voting:

<b>Messrs.</b>	<b>Messrs.</b>	<b>Messrs.</b>
Brostuen	Hulteng	Kamrath
Fine	Johnson	Streibel

So the bill passed and the title was agreed to.

### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
January 15, 1937.

Mr. President: I have the honor to inform you that the House has adopted the report of the Conference Committee on House Bill No. 1.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

Senator Watt requested that the Senate return to the 6th order of business, which request was granted.



Senator Watt moved that the report of the Conference Committee on House Bill No. 1 be adopted, which motion prevailed and the report was adopted.

### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
January 15, 1937.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the report of the Conference Committee on House Bill No. 1.

Very respectfully,  
THOMAS McDONALD,  
Secretary.

Senator Watt moved that the rules be suspended and that House Bill No. 1, as amended, be placed upon second reading and final passage, which motion prevailed.

Senator Watt moved that the Senate do now recess for 20 minutes, which motion prevailed.

The Senate reconvened pursuant to recess taken.

### SECOND READING OF HOUSE BILLS

House Bill No. 1. A Bill for an Act Making an Emergency Appropriation out of Monies in the Retail Sales Tax Fund Created by Chapter 276, Laws of 1935, to Provide for the Relief of Destitute and Necessitous Persons and for Other Welfare Activities; Providing for the Distribution of This Appropriation by the Public Welfare Board; and 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, 39, nays, 0; absent and not voting 10.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Nelson, Grand Fks.
Bilden	Kamrath	Olson
Blaisdell	Kolpin	Skarvold
Brostuen	Kroeber	Strehlow
Cain	Lavik	Stucke
Crandall	Lemke	Thorson
Drew	Lian	Topp
Ettestad	Lowe	Trout
Gilbertson	Lynn	Vinje
Greene	Magoffin	Watt
Gronvold	Morrison	Whelan
Guenther	Mutchler	Williams
Guthrie	Nelson, Barnes	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Coffey	Hulteng	Streibel
Fine	McGillic	Thatcher
Fowler	Owings	Wog
Fredrickson		

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

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

Which motion prevailed.

Senator Lowe moved that the Senate do now recess until 1:30 o'clock tomorrow.

Which motion prevailed.

The Senate stood recessed.

#### COURTESIES OF THE FLOOR

The courtesies of the floor were extended to:

Mr. and Mrs. Elwood Eck, Jamestown; H. R. Danielson, Pettibone; Adeline Morck, Bismarck; Marcia Cushman, Fargo; Mr. and Mrs. R. A. May, Watford City; J. F. Gronvold, H. F. Fritz, Rugby; Margaret Hopton and Alice Knudson, Bismarck; H. E. Dyste, Forman; S. L. Greene, Rutland.

THOMAS McDONALD,  
Secretary.

ELEVENTH DAY AFTER RECESS AND TWELFTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
January 16, 1937.

The Senate convened at 1:30 P. M., pursuant to recess taken, President Thoresen presiding.

Senator Johnson requested that the Senate be on the Seventh Order of Business.

Which request was granted.

MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
January 16, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bill:

Senate Bill No. 6. A Bill for an Act Making an Appropriation for the Maintenance of the State Capitol and for Improvements, Repairs, Insurance and Upkeep of Grounds.

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

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senator Johnson, chairman of the committee from the Senate appointed to confer with a like committee from the House relative to printing, presented Joint Resolution "D," which was read from the desk.

Senator Johnson moved that the rules be suspended for the purpose of taking immediate action on Joint Resolution "D."

Which motion prevailed.

Senator Johnson moved that Joint Resolution "D" be adopted.

Which motion prevailed.

Senator Johnson moved that the vote by which Joint Resolution "D" was adopted be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Johnson moved that Joint Resolution "D" be printed in the Journal.

Which motion prevailed.

#### JOINT RESOLUTION "D"

Introduced by Joint Committee on Printing

WHEREAS, There is need for greater economy in the printing of House and Senate Journals and Bills, and in the printing of the Permanent Journals,

THEREFORE, BE IT RESOLVED:

1. That five hundred (500) copies of the daily Journal be punched,
2. That there be printed four hundred (400) bound copies of the Permanent Journals of each House,
3. That no resolution, other than one proposing a change in the constitution, be printed unless otherwise ordered by either House,
4. That there be printed seven hundred fifty (750) copies of House and Senate bills, unless otherwise ordered by the House in which a bill is introduced,
5. That the pages of the daily Journal be numbered consecutively from day to day, starting from one hundred (100) in the Journal for January 16, 1937.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
January 16, 1937.

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

#### JOINT RESOLUTION "D"

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

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senator Whelan moved the nomination of Jacob Hegland of Oberon as Janitor.

### ROLL CALL

The question being on the election of Jacob Hegland as Janitor, the roll was called and there were ayes, 39; nays, 0; absent and not voting, 10.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Blaisdell	Johnson	Owings
Brostuen	Kamrath	Skarvold
Coffey	Kolpin	Strehlow
Crandall	Kroeber	Streibel
Drew	Lavik	Thatcher
Ettestad	Lemke	Thorson
Fine	Lian	Topp
Fredrickson	Magoffin	Trout
Gilbertson	McGillic	Vinje
Greene	Morrison	Whelan
Gronvold	Mutchler	Williams
Guenther	Nelson, Barnes	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Lowe	Stucke
Cain	Lynn	Watt
Fowler	Nelson, Grand Fks.	Wog
Hulteng		

So Jacob Hegland was declared elected.

Senator Thatcher moved that the Senate do now adjourn.

Which motion prevailed.

The Senate stood adjourned.

THOMAS McDONALD,  
Secretary.

### TWELFTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
January 16, 1937.

The Senate convened at 2:00 P. M., pursuant to adjournment, the President presiding.

Prayer by the Chaplain, Rev. G. Adolph Johns, Bismarck.

Roll call: All members present except Senators Bilden, Cain, Hulteng, Lowe, Lynn, Magoffin, Nelson of Grand Forks, Stucke and Watt.

Senator Gronvold moved the absent Senators 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 Tenth Day after Recess and Eleventh Day and recommend that the same be corrected as follows:

On page 3, line 7, strike out the word "which" and insert in lieu thereof the word "the."

On page 3, line 8, correct mis-printing of words "pro tem."

And when so corrected recommend that the same be approved.

C. C. MORRISON,  
Chairman.

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

#### PETITIONS AND COMMUNICATIONS

The following petitions and communications were received and referred to the appropriate committees:

A petition signed by 53 taxpayers of Renville County urging legislation necessary to abate 50% of the 1935 hail tax.

A similar petition from the Board of County Commissioners of Renville County.

A communication from the Hartland local of the Farmers Union urging legislation to provide High School Correspondence Courses.

A communication was received from State Auditor Berta Baker containing report of expenses paid for the 1934 Special Legislative Assembly.

Senator Fowler moved that consideration of this report be laid over until Monday.

Which motion prevailed.

#### REPORTS OF STANDING COMMITTEES

The Committee on Insurance made the following report:

Mr. President: Your Committee on Insurance to whom was referred:

Senate Bill No. 1. A Bill for an Act Providing for the Organization of Farmers State Mutual Fire and Lightning Reinsurance Companies.

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

GEORGE V. COFFEY,  
Chairman.

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

The Committee on Corporations made the following report:

Mr. President: Your Committee on Corporations to whom was referred:

Senate Bill No. 9. A Bill for an Act to Amend and Re-enact Section 1, of Chapter 172 of the Session Laws of 1929, as Amended and Re-enacted by Chapter 200 of the Session Laws of 1935, Which Authorizes and Empowers Cities, Towns or Villages to Purchase, Erect, Operate and Maintain or Lease Electric Light and Power Plant, Electric Distribution System and Transmission Line, Telephone Plant, or Parts of System or Lines or Waterworks, Mains, Distribution System and/or Equipment or Appliances Connected Therewith, as Provided for in the Act; Providing That Wherever Such Plant, System, Line or Waterworks Already Exist and is in Operation Such Municipality Shall Acquire the Same by Agreement with the Owner or by Condemnation Proceedings; and Declaring an Emergency.

Have had the same under consideration and recommend that the same be indefinitely postponed.

MILTON R. YOUNG,  
Chairman.

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

The Committee on Printing made the following report:

Mr. President: Your Committee on Printing to whom was referred:

Senate Bill No. 24. A Bill for An Act Relating to Motor Vehicles, trailers, and semi-trailers, etc.

Have had the same under consideration and recommend that the same be printed in accordance with the special agreement reached with the Capital Publishing Company.

MELVIN P. JOHNSON,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred:

Senate Bill No. 10. A Bill for an Act Making an Appropriation for the Purpose of Carrying Out the Provisions of Chapter 203, Session Laws 1919, and Chapter 115, Session Laws 1921, the Same Being Sections 1471b1 to 1471b9 and 1471c1 to 1471c8 of the Supplement to the 1913 Compiled Laws of North Dakota.

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

B. W. LEMKE,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred:

Senate Bill No. 14. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the State Historical Society.

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

B. W. LEMKE,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred:

Senate Bill No. 18. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the Department of Coal Mine Inspection.

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

B. W. LEMKE,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred:

Senate Bill No. 19. A Bill for an Act Making an Appropriation for the use by the Board of Administration in Administering Child Welfare Laws.

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

B. W. LEMKE,  
Chairman.



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

Senator Mutchler, Chairman of the Senate Committee appointed to meet with a like committee from the House, to confer with the Governor, presented the following report.

Mr. President: Your committee appointed to meet with a like committee from the House to call upon Governor William Langer to present to the President of the United States our urgent need for immediate financial assistance, has performed its duties and wishes to be excused.

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

Senator Whelan introduced Senate Resolution "C" relative to the sale and transfer of state bonds, which was read the first time.

Senator Whelan moved that the rules be suspended and Senate Resolution "C" be adopted. Which motion prevailed and the resolution was declared adopted.

Senator Whelan moved that the Secretary be instructed to forward copies of Senate Resolution "C" to all State Departments mentioned in the resolution.

Which motion prevailed.

#### FIRST READING OF SENATE BILLS

Senators Skarvold, Greene and Nelson of Barnes introduced:

Senate Bill No. 48. A Bill for an Act to Amend and Re-enact Section 1164 of the Compiled Laws of the State of North Dakota for 1913, Pertaining to the Duties of the Clerks of Common School Districts.

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

Senators Crandall and Blaisdell introduced:

Senate Bill No. 49. A Bill for an Act to Amend and Re-enact Section 3306 of the Compiled Laws of the State of North Dakota for 1913, Relating to Interest on County Warrants.

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

Senator Blaisdell Introduced:

Senate Bill No. 50. A Bill for an Act to Repeal Section 10185b of the Supplement to the 1913 Compiled Laws of North Dakota Relating to Prohibiting Smoking in Specified Places, and the Penalties.

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

Senator Blaisdell Introduced:

Senate Bill No. 51. A Bill for an Act to Amend and Re-enact Section 3181 of the Compiled Laws of North Dakota for 1913 and Section 3185 of the Supplement of the 1913 Compiled Laws of North Dakota.

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

#### SECOND READING OF SENATE BILLS

Senate Bill No. 7. A Bill for an Act Making an Appropriation for the Purpose of Indemnifying Owners of Animals Infected with Bovine Tuberculosis and to Pay Expenses in Connection Therewith.

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, 38; nays, 0; absent and not voting, 11.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Guthrie	Owings
Brostuen	Johnson	Skarvold
Coffey	Kamrath	Strehlow
Crandall	Kolpin	Streibel
Drew	Kroeber	Thatcher
Ettestad	Lavik	Thorson
Fine	Lemke	Topp
Fowler	Lian	Trout
Fredrickson	McGillic	Vinje
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Young
Guenther	Olson	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Aasen	Lowe	Stucke
Bilden	Lynn	Watt
Cain	Magoffin	Wog
Hulteng	Nelson, Grand Fks.	

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

Senate Bill No. 8. A Bill for an Act Making an Appropriation for the Glanders and Dourine Indemnity Fund.

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, 11.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Guthrie	Owings
Brostuen	Johnson	Skarvold
Coffey	Kamrath	Strehlow
Crandall	Kolpin	Streibel
Drew	Kroeber	Thatcher
Ettestad	Lavik	Thorson
Fine	Lemke	Topp
Fowler	Lian	Trout
Fredrickson	McGillic	Vinje
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Young
Guenther	Olson	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Aasen	Lowe	Stucke
Bilden	Lynn	Watt
Cain	Magoffin	Wog
Hulteng	Nelson, Grand Fks.	

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

Senate Bill No. 12. A Bill for an Act Making an Appropriation for the Per Diem, Salaries and General Expenses of the State Livestock Sanitary Board.

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, 38; nays, 0; absent and not voting, 11.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Guthrie	Owings
Brostuen	Johnson	Skarvold
Coffey	Kamrath	Strehlow
Crandall	Kolpin	Streibel
Drew	Kroeber	Thatcher
Ettestad	Lavik	Thorson
Fine	Lemke	Topp
Fowler	Lian	Trout
Fredrickson	McGillic	Vinje
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Young
Guenther	Olson	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Ansen	Lowe	Stucke
Bilden	Lynn	Watt
Cain	Magoffin	Wog
Hulteng	Nelson, Grand Fks.	

So the bill passed and the title was agreed to.

MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
January 16, 1937.

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

Senate Bill No. 7. A Bill for an Act Making an Appropriation for the Purpose of Indemnifying Owners of Animals Infected with Bovine Tuberculosis and to Pay Expenses in Connection Therewith.

Senate Bill No. 8. A Bill for an Act Making an Appropriation for the Glanders and Dourine Indemnity Fund.

Senate Bill No. 12. A Bill for an Act Making an Appropriation for the Per Diem, Salaries and General Expenses of the State Livestock Sanitary Board.

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

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senator Lemke requested that the Senate return to the 7th order of business, which request was granted.

Senator Fowler moved that the Senate reconsider the vote by which the Committee Report on Senate Bill No. 10 was adopted, which motion prevailed.

Senator McGillic moved that Senate Bill No. 10 be re-referred to the Appropriations Committee, which motion prevailed.

Senator Brostuen announced that the Committee on Taxes and Tax Laws would meet Monday immediately following adjournment to consider Senate Bill No. 13.

Senator Fowler moved that the Printing committee be authorized and empowered to print an additional 250 copies of Senate Bill No. 24.

Which motion prevailed.

Senator Thorson moved that the Senate do now recess, subject to the call of the Chair.

Which motion prevailed.

The Senate reconvened pursuant to recess taken.

Senator Blaisdell requested that the Senate return to the Eighth Order of Business.

Which request was granted.

Senator Blaisdell moved that no other business be transacted until 1:30 o'clock of this legislative day than that which comes under the eighth order of legislative business and that immediately upon completion of the Eighth Order of Business the Senate recess until 1:30 P. M., Monday.

Which motion prevailed.

President Thoresen stated that the purpose of this motion was to permit the signing of House Bill No. 1, which was being enrolled.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
January 16, 1937.

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

House Bill No. 1. A Bill for an Act Making an Emergency Appropriation out of Monies in the Retail Sales Tax Fund Created by Chapter 276, Laws of 1935, to Provide for the Relief of Destitute and Necessitous Persons and for Other Welfare Activities; Providing for the Distribution of This Appropriation by the Public Welfare Board; and Declaring an Emergency, and Repealing all Acts and Parts of Acts in Conflict Herewith.

Which the Speaker has signed and your signature is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

The Secretary announced that the President was about to sign House Bill No. 1, and the President signed the same in the presence of the Senate.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
January 16, 1937.

Mr. Speaker: I have the honor to return herewith the following bill:

House Bill No. 1. A Bill for an Act Making an Emergency Appropriation out of Monies in the Retail Sales Tax Fund Created by Chapter 276, Laws of 1935, to Provide for the Relief of Destitute and Necessitous Persons and for Other Welfare Activities; Providing for the Distribution of This Appropriation by the Public Welfare Board; and Declaring

an Emergency, and Repealing all Acts and Parts of Acts in Conflict Herewith.

Which the President has signed.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Pursuant to Senator Blaisdell's motion to recess until 1:30 p. m., Monday, the Senate stood recessed.

#### COURTESIES OF THE FLOOR

The courtesies of the floor were extended to:

Albert Lundberg, Grafton; Olaf M. Thorson, Lakota; Mrs. T. E. Whelan, St. Thomas; Harold P. Thompson, Cavalier; A. W. Swenson, Dore; A. F. Gronvold and Clarence Olson of Rugby.

THOMAS McDONALD,  
Secretary.

TWELFTH DAY AFTER RECESS AND FOURTEENTH  
DAY

Senate Chamber,  
Bismarck, North Dakota,  
January 18, 1937.

The Senate convened at 1:30 p. m., pursuant to recess taken, President Thoresen presiding.

The President administered the oath of office to Jacob Hegland, Janitor, and Eva Goetz, Clerk of Enrolling and En-grossing Committee.

Senator Fowler moved that the Senate now go into execu-tive session for the purpose of viewing the painting of the Declaration of Independence by Mr. G. I. Gullickson of Grand Forks.

Which motion prevailed.

Senator Thatcher moved that the executive session be dis-solved, which motion prevailed.

The President announced that the Senate had gone into ex-ecutive session for the purpose of viewing the painting of the Declaration of Independence; that the executive session had ordered the committee appointed for that purpose to further consider this matter.

Senator Blaisdell moved that the Senate do now adjourn, which motion prevailed.

The Senate stood adjourned.

THOMAS McDONALD,  
Secretary.

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FOURTEENTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
January 18, 1937.

The Senate convened at 2:00 p. m., pursuant to adjourn-ment, the President presiding.

Prayer by the Chaplain, Major Herbert Smith, Bismarck.

Roll Call: All members present except Senators Bilden, Hulteng, Magoffin and Nelson of Grand Forks.

Senator Gronvold moved the absent Senators be excused, which motion prevailed.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
January 18, 1937.

Mr. President: I have the honor to return herewith the following:

#### JOINT RESOLUTION "D."

Which the House has passed unchanged.

Very respectfully,

MINNIE D. CRAIG,  
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 Eleventh Day after Recess and Twelfth day and recommend that the same be corrected as follows:

On page 100, line 15, correct spelling of the word "Bills."

On page 105, line 9, correct spelling of the word "present."

On page 106, strike out lines 10, 11 and 12, and insert in lieu thereof the following: "Senate Bill No. 7. A Bill for an Act making an appropriation for the purpose of indemnifying owners of animals infected with Bovine Tuberculosis and to pay expenses in connection therewith."

On page 108, line 36, correct spelling of the word "Senate."

On page 109, line 9, correct spelling of the word "signing."

On page 110, line 12, correct spelling of the name Lundberg," and in line 14 correct spelling of the name "Dore."

And when so corrected recommend that the same be approved.

C. C. MORRISON,  
Chairman.

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

#### PETITIONS AND COMMUNICATIONS

The following petitions and communications were received, read at the desk, and referred to the appropriate committees:



A resolution adopted by the County Commissioners of Renville County urging legislation to transfer to the State the cost of maintaining indigent patients at various state institutions.

A resolution adopted by the County Commissioners of Walsh County urging passage of legislation to abate 50% of the 1935 hail tax.

A resolution adopted by the Board of Education of Kenmare School District No. 28, urging continuation of the Sales Tax, and of the present proportional distribution of the Equalization Fund.

#### REPORTS OF STANDING COMMITTEES

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred:

Senate Bill No. 5. A Bill for an Act Making an Appropriation for the Inspection and Eradication of Bee Diseases, Under the Provisions of Chapter 140, Session Laws of 1923, the Same Being Sections 2790a1-2790a18 of the Supplement to the 1913 Compiled Laws of North Dakota.

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

B. W. LEMKE,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred:

Senate Bill No. 29. A Bill for an Act Making an Appropriation for Poor and Destitute Persons, Providing the Methods of Expenditure and Audit Thereof; Supervision and Inspection Therefor.

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

B. W. LEMKE,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred:

Senate Bill No. 31. A Bill for an Act Making an Appropriation for Poor and Destitute Persons, Providing the Method of Expenditure and Audit Thereof; Supervision and Inspection Therefor.

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

B. W. LEMKE,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred:

Senate Bill No. 34. A Bill for an Act Making an Appropriation to Pay the Expenses of the State Board of Veterinary Medical Examiners as Authorized Under Sections 2711 to 2720, Inclusive, of the Compiled Laws of North Dakota, for the Year 1913.

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

B. W. LEMKE,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred:

Senate Bill No. 35. A Bill for an Act Making an Appropriation for the Purpose of Paying Premiums on Bonds of State Officials as Provided by Chapter 175, Session Laws of 1917, the Same Being Section 663a1 of the Supplement to the 1913 Compiled Laws of North Dakota.

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

B. W. LEMKE,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred:

Senate Bill No. 36. A Bill for an Act Making an Appropriation to Provide Funds to Pay the Necessary Expenses

and Reasonable Compensation to Commissioners Appointed in Actions to Release Insane Patients as Prescribed by Section 2562 of the Compiled Laws of 1913.

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

B. W. LEMKE,  
Chairman.

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

#### FIRST READING OF SENATE BILLS

The Committee on Appropriations introduced:

Senate Bill No. 52. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State School of Forestry, Bottineau, North Dakota.

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

The Committee on Appropriations introduced:

Senate Bill No. 53. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Normal and Industrial School at Ellendale, North Dakota.

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

The Committee on Appropriations introduced:

Senate Bill No. 54. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, New Building and Equipment for the State School of Science at Wahpeton, North Dakota.

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

The Committee on Appropriations introduced:

Senate Bill No. 55. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items of the State Normal School at Valley City, North Dakota.

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

The Committee on Appropriations introduced:

Senate Bill No. 56. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Normal School, Mayville, North Dakota.

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

The Committee on Appropriations introduced:

Senate Bill No. 57. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items of the State Normal School, Minot, North Dakota.

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

The Committee on Appropriations introduced:

Senate Bill No. 58. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, New Building, Equipment and Miscellaneous Expenses for the State Normal School, Dickinson, North Dakota.

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

#### SECOND READING OF SENATE BILLS

Senate Bill No. 1. A Bill for an Act Providing for the Organization of Farmers State Mutual Fire and Lightning Reinsurance Companies.

Was read the second time.

Senator Coffey moved that Senate Bill No. 1 be amended as follows:

In line 2 of the title of the printed bill, following the word "companies," strike out the period and insert a comma and add the following words: "and repealing all acts and parts of acts in conflict herewith."

On page 2 of the printed bill, at beginning of second line 11, insert the following: "Sec. 4. REPEAL." And in the same line, following the word "conflict" insert the word "herewith."

Which motion prevailed.

Senator Coffey moved that the rules be suspended, that Senate Bill No. 1, as amended, be considered properly engrossed, and placed upon 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, 42; nays, 0; absent and not voting, 7.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Blaisdell	Johnson	Owings
Brostuen	Kamrath	Skarvold
Cain	Kolpin	Strehlow
Coffey	Kroeber	Streibel

Messrs.	Messrs.	Messrs.
Crandall	Lavik	Thatcher
Drew	Lemke	Thorson
Ettestad	Lian	Topp
Fine	Lowe	Trout
Fredrickson	Lynn	Watt
Gilbertson	McGillic	Whelan
Greene	Morrison	Williams
Gronvold	Mutchler	Wog
Guenther	Nelson, Barnes	Young

Absent and not voting:

Bilden	Magoffin	Stucke
Fowler	Nelson, Grand Fks.	Vinje
Hulteng		

So the bill passed and the title was agreed to.

Senate Bill No. 14. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the State Historical Society.

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, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Owings
Blaisdell	Johnson	Skarvold
Brostuen	Kamrath	Strehlow
Cain	Kolpin	Streibel
Coffey	Kroeber	Stucke
Crandall	Lavik	Thatcher
Drew	Lemke	Thorson
Ettestad	Lian	Topp
Fine	Lowe	Trout
Fowler	Lynn	Vinje
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Olson	Young

Absent and not voting:

Bilden	Magoffin	Nelson, Grand Fks.
Hulteng		

So the bill passed and the title was agreed to.

Senate Bill No. 18. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the Department of Coal Mine Inspection.

Was read the second time.

Senator Johnson moved that Senate Bill No. 18 be amended as follows:

"In Section 1, lines five and six, strike out the following: "Chapter 168, Session Laws of 1919, the same being."

Which motion prevailed.

Senator Johnson moved that the rules be suspended and that Senate Bill No. 18 be considered properly engrossed, and placed upon 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, 45; nays, 0; absent and not voting, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Owings
Blaisdell	Johnson	Skarvold
Brostuen	Kamrath	Strehlow
Cain	Kolpin	Streibel
Coffey	Kroeber	Stucke
Crandall	Lavik	Thatcher
Drew	Lemke	Thorson
Ettestad	Lian	Topp
Fine	Lowe	Trout
Fowler	Lynn	Vinje
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Olson	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Magoffin	Nelson, Grand Fks.
Hulteng		

So the bill passed and the title was agreed to.

Senate Bill No. 19. A Bill for an Act Making an Appropriation for the use by the Board of Administration in Administering Child Welfare Laws.

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, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Owings
Blaisdell	Johnson	Skarvold

Messrs.	Messrs.	Messrs.
Brostuen	Kamrath	Strehlow
Cain	Kolpin	Streibel
Coffey	Kroeber	Stucke
Crandall	Lavik	Thatcher
Drew	Lemke	Thorson
Ettestad	Lian	Topp
Fine	Lowe	Trout
Fowler	Lynn	Vinje
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Olson	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Magoffin	Nelson, Grand Fks.
Hulteng		

So the bill passed and the title was agreed to.

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 "C"

And find the same correctly enrolled.

WILLIAM KROEBER,  
Chairman.

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

The Secretary announced the President was about to sign Senate Concurrent Resolution "C," and the President signed the same in the presence of the Senate.

Senator Blaisdell moved that the Senate do now recess until 1:30 o'clock tomorrow.

Which motion prevailed.

The Senate stood recessed.

COURTESIES OF THE FLOOR

The courtesies of the floor were extended to:

Charles Jolliffe, Warren Munro, Albert Munro, Rolla; George Aichle, McClusky; Joe Augusteen, Rugby; Max Warren, Balta; Agnes Fogarty, Fairmount; James Slattery, Bismarck.

THOMAS McDONALD,  
Secretary.

FOURTEENTH DAY AFTER RECESS AND FIFTEENTH  
DAY

Senate Chamber,  
Bismarck, North Dakota,  
January 19, 1937.

The Senate convened at 1:30 p. m., pursuant to recess taken, President Thoresen presiding.

President Thoresen called attention to the fact that it was now the fifteenth day of the session, and that those contemplating the introduction of bills should prepare same and have them introduced at the earliest possible date.

Senator Cain requested that the Senate be on the Sixteenth Order of Business.

Which request was granted.

Senator Cain reminded the members that the joint meeting of the State Planning Board and the members of the House and Senate, would be held in the hearing room at 3:00 o'clock this afternoon, or as soon after the adjournment of both houses as might be convenient.

Senator Fowler requested that the Senate return to the Sixth Order of Business.

Which request was granted.

Senator Fowler, chairman of the Select Committee appointed to confer with the artist, Mr. Gullickson, relative to his offer to present an original painting to the state, reported that the committee had conferred with Mr. Gullickson, and as a result of such conference the committee wished to present Joint Resolution "E."

Joint Resolution "E" was read.

Senator Fowler moved the adoption of Joint Resolution "E."

Which motion prevailed.



Senator McGillic requested that the Senate be on the Sixth Order of Business.

Which request was granted.

Senator Fowler moved that the report of the State Auditor setting forth the mileage and per diem of members attending the Special Session of the Legislative Assembly of 1934 be printed in the Journal.

Which motion prevailed.

To the Honorable Members of the Twenty-fifth Senate Assembly of the State of North Dakota.

Gentlemen:

In compliance with Section 1, Chapter 71, Session Laws for the year 1935, the State Auditor submits herewith a report of the paid expenses of the 1934 Special Legislative Assembly.

Amount appropriated .....	\$6,000.00
Disbursements .....	4,118.20
	<hr/>
Balance .....	\$1,881.80

BERTA E. BAKER,  
State Auditor.

Bismarck, North Dakota,  
July 18, 1935.

Members of the House of Representatives:

Name and Address	Per Diem	Mileage	Total
W. J. Godwin, Mandan .....	\$ 5.00	\$ 1.40	\$6.40
Stone Hillman, Akra .....	5.00	58.00	63.00
Mary A. Rathbun, Crystal .....	5.00	55.00	60.00
Earl D. Symington, Neche .....	5.00	60.00	65.00
J. E. Stoa, Carpio .....	5.00	30.00	35.00
M. T. Lillehaugen, Brocket .....	5.00	45.00	50.00
Karl H. Brunsdale, Portland .....	5.00	44.20	49.20
H. W. McInnes, Kelso .....	5.00	48.60	53.60
L. C. Odegaard, Buxton .....	5.00	50.50	55.50
K. A. Fitch, Fargo .....	5.00	40.80	45.80
Arthur C. Johnson, Fargo .....	5.00	38.80	43.80
Nichol McKellar, Fargo .....	5.00	39.00	44.00
Dan R. Jones, Wahpeton .....	5.00	49.00	54.00
J. D. Holthusen, Tyler .....	5.00	51.00	56.00
O. C. Anderson, Rutland .....	5.00	37.80	42.80
Martin Lund, Englevale .....	5.00	36.60	41.60
Edw. Savre, Cooperstown .....	5.00	35.40	40.40
C. F. Carlson, Hope .....	5.00	42.80	47.80
O. B. Larson, Brocket .....	5.00	45.00	50.00
R. R. Lofthus, McVile .....	5.00	42.00	47.00
M. P. Biewer, Dresden .....	5.00	51.00	56.00
Ed. A. Hill, Wales .....	5.00	50.00	55.00
Carl Anfinson, Mylo .....	5.00	40.00	45.00
Minnie D. Craig, Esmond .....	7.00	28.00	35.00
(Speaker of the House)			
J. C. Hanson, Oberon .....	5.00	31.00	36.00

Name and Address	Per Diem	Mileage	Total
W. J. Gilchrist, Cando .....	5.00	43.00	48.00
W. J. Flannigan, Jamestown .....	5.00	20.00	25.00
R. E. Strutz, Jamestown .....	5.00	21.00	26.00
Milton R. Young, Berlin .....	5.00	31.20	36.20
J. F. Fitzgerald, Merricourt .....	5.00	25.00	30.00
Val P. Wolf, Hague .....	5.00	19.60	24.60
Math Dahl, Hazelton .....	5.00	11.00	16.00
Wm. B. Falconer, Bismarck .....	5.00	1.00	6.00
Peter Peterson, Antler .....	5.00	40.00	45.00
C. O. Svingen, Bottineau .....	5.00	40.00	45.00
Jack A. Patterson, Minot .....	5.00	24.00	29.00
Gus A. Schauss, Mandan .....	5.00	3.20	8.20
J. T. Nelson, Glen Ullin .....	5.00	12.80	17.80
Ignatz Sticka, New England .....	5.00	26.40	31.40
Fred Born, Richardton .....	5.00	18.00	23.00
H. A. Rindy, Carrington .....	5.00	25.00	30.00
George Aljets, Sykeston .....	5.00	24.00	29.00
C. L. Broschat, Cathay .....	5.00	25.00	30.00
Ole Ettetstad, Balfour .....	5.00	25.00	30.00
H. M. Henrickson, Simcoe .....	5.00	24.40	29.40
H. G. Kapfer, Anamoose .....	5.00	20.00	25.00
D. L. Anderson, Burnstad .....	5.00	14.60	19.60
Wm. H. Bettenhausen, Wishek .....	5.00	17.70	22.70
C. H. Morgan, Walcott .....	5.00	43.40	48.40
C. T. Olson, Bowman .....	5.00	40.00	45.00
W. S. Place, Bowman (Ranger) .....	5.00	40.00	45.00
N. P. Noben, Beach .....		36.00	36.00
R. A. Owings, Lignite .....	5.00	40.00	45.00
Geo. P. Homnes, Crosby .....	5.00	50.40	55.40
Einar Twete, Crosby (Wildrose) .....	5.00	50.00	55.00
R. C. Sannes, Banks .....	5.00	45.00	50.00
Gilbert Sundby, Mohall .....	5.00	35.00	40.00
R. E. Swendseid, Stanley .....	5.00	35.60	40.60
Harry T. Peterson, Plaza .....	5.00	27.40	32.40
Ben Fedje, Bonetrail .....	5.00	56.00	61.00
Ole O. Sundby, Ruso .....	5.00	16.00	21.00
R. R. Scholl, Washburn .....	5.00	9.00	14.00
Christ Sprenger, Elgin .....	5.00	16.00	21.00
Gottlieb Isaak, Dodge .....	5.00	21.60	26.60
Nels P. Jensen, Hazen .....	5.00	12.00	17.00
S. A. Espeland, Bentley .....	5.00	20.00	25.00
O. C. Olson, Hettinger .....	5.00	28.00	33.00
Carl Dittmer, Leonard .....	5.00	38.00	43.00
W. M. Crockett, Wales .....	5.00	50.00	55.00
W. W. Treffry, New Rockford .....	5.00	28.00	33.00
John A. Erickson, Blackwater .....	5.00	19.80	24.80
F. J. Shurr, Lansford .....	5.00	31.20	36.20
Martin Larson, Nome .....	5.00	33.00	38.00
F. W. Erickson, Charbonneau .....	5.00	46.00	51.00
Members of the Senate:			
Thomas Whelan, St. Thomas .....	\$5.00	\$57.00	\$62.00
A. S. Marshall, Forbes .....	5.00	32.40	37.40
S. S. McDonald, Bismarck .....	5.00		5.00
O. E. Erickson, Tappen .....	5.00	12.00	17.00
A. F. Bonzer, Jr., Lidgerwood .....	5.00	40.40	45.40

Name and Address	Per Diem	Mileage	Total
Herman Thorson, Bucyrus .....	5.00	15.00	20.00
Return mileage .....		15.00	15.00
E. C. Stucke, Garrison .....	5.00	15.60	20.60
Charles G. Bangert, Enderlin .....	5.00	35.20	40.20
Nels Magnuson, Souris .....	5.00	39.00	44.00
W. E. Martin, Huff .....	5.00	3.00	8.00
D. H. Hamilton, Eckman .....	7.00	31.60	38.60
(President pro tem.)			
C. J. Olson, Valley City .....	5.00	15.90	20.90
Return mileage .....		14.30	14.30
C. E. Erickson, Crosby .....	5.00	50.00	55.00
R. W. Patten, Plaza .....	5.00	26.60	31.60
W. J. Trout, Sherwood .....	5.00	37.00	42.00
Anton Larson, Temvik .....	5.00	13.50	18.50
J. H. Burkhart, Berthold .....	5.00	28.00	33.00
Wm. Kamrath, Leith .....	5.00	15.00	20.00
W. S. Handley, Stirum .....	5.00	37.60	42.60
Albert Dubay, Fonda.....	5.00	37.00	42.00
L. O. Fredrickson, Pekin .....	5.00	38.00	43.00
Henry A. Field, Wahpeton .....	5.00	48.40	53.40

Employees of Special Session—House of Representatives:

Albert Bjerke, Finley—Sgt.-at-Arms .....	\$4.50
Walter S. Martin, Fessenden—Chief Clerk .....	7.20
Margaret O. Sheehan, Bismarck—Reporter (Desk).....	7.20
E. K. Sheaffer, Carrington—1st Asst. Chief Clerk.....	5.40
J. B. Hughes, Fessenden—Asst. Sgt.-at-Arms .....	4.50
Jacob J. Ferder, Mandan—Page (Messenger).....	4.50
Arlo E. Beggs, Turtle Lake—Page .....	4.50
S. M. Jensen, Powers Lake—Gallery Doorkeeper.....	4.50

Senate:

Marie A. Minnis, Bismarck—Reporter (Desk) .....	\$7.20
Ed Martel, Medina—Asst. Sgt.-at-Arms .....	4.50
H. H. McCumber, Bismarck—Telephone Messenger.....	4.50
Rev. Ira E. Herzberg, Bismarck—Chaplain.....	3.00

The following is a verified account of the expenses of the Special Legislative Investigating Committee appointed at the Special Legislative Session in July, 1934, the payments to be made as authorized by House Bill No. 130.

To Harry Peterson, 1 day's meeting of full committee..\$	5.00
To John Erickson, 1 day's meeting of full committee....	5.00
To Fred Born, 1 day's meeting of full committee .....	5.00
To C. H. Morgan, 1 day's meeting of full committee....	5.00
To Wm. B. Falconer, 1 day's meeting of full committee .....	5.00
To J. E. Stoa, 1 day's meeting of full committee.....	5.00
To W. W. Treffry, 1 day's meeting of full committee....	5.00
To Edw. Savre, 1 day's meeting of full committee.....	5.00
To W. J. Flannigan, 1 day's meeting of full committee .....	5.00
To W. J. Godwin, 1 day's meeting of full committee....	5.00
To Mary C. Rathbun, 1 day's meeting of full committee .....	5.00
To Ole Ettestad, 1 day's meeting of full committee.....	5.00
To Martin Lund, 1 day's meeting of full committee.....	5.00
To J. M. Hanley, Legal Service .....	75.00
To J. M. Hanley, Office Rent .....	12.00
To Jim Bothne, Stenographic Service .....	50.00

To Jessie Phillips, Stenographic Service.....	4.00
To Ruth Smith, Stenographic Service .....	4.00
To W. J. Flannigan, 14 days' service on sub-committee	70.00
To W. J. Godwin, 14 days' service on sub-committee.....	70.00
To Wm. B. Falconer, 14 days' service on sub-committee	70.00
To Harry Peterson, 14 days' service on sub-committee	70.00
Total .....	\$ 490.00

Senator Lowe moved that the Senate do now adjourn, which motion prevailed.

The Senate stood adjourned.

THOMAS McDONALD,  
Secretary.

### FIFTEENTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
January 19, 1937.

The Senate convened at 2:00 p. m., pursuant to adjournment, the President presiding.

Prayer by the Chaplain, Major Herbert Smith, Bismarck.

Roll Call: All members present except Senators Hulteng, and Kamrath.

Senator Gronvold moved the absent Senators 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 Twelfth Day after Recess and Fourteenth Day and recommend that the same be corrected as follows:

On page 111, line 25, following the word "purpose," strike out the word "and".

On page 116, line 33, following the words "Senate Bill No. 1" insert the words "as amended".

And when so corrected recommend that the same be approved.

C. C. MORRISON,  
Chairman.

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

### PETITIONS AND COMMUNICATIONS

The following petitions and communications were received, read from the desk, and referred to the appropriate committees:

A communication from the Mercer County Taxpayers' Association urging passage of legislation relative to taxation and appropriations.

A petition signed by 35 taxpayers of Renville County urging legislation to abate 50% of 1935 hail tax.

MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
January 19, 1937.

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

SENATE CONCURRENT RESOLUTION "C"

Which the President has signed and your signature is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
January 19, 1937.

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

JOINT RESOLUTION "E"

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

Very respectfully,

THOMAS McDONALD,  
Secretary.

REPORTS OF STANDING COMMITTEES

The Committee on Education made the following report:

Mr. President: Your Committee on Education to whom was referred:

Senate Bill No. 48. A Bill for an Act to Amend and Re-enact Section 1164 of the Compiled Laws of the State of North Dakota for 1913, Pertaining to the Duties of the Clerks of Common School Districts.

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

C. W. FINE,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred:

Senate Bill No. 10. A Bill for an Act Making an Appropriation for the Purpose of Carrying Out the Provisions of Chapter 203, Session Laws 1919, and Chapter 115, Session Laws 1921, the Same Being Sections 1471b1 to 1471b9 and 1471c1 to 1471c8 of the Supplement to the 1913 Compiled Laws of North Dakota.

Have had the same under consideration and recommend that the same be amended as follows:

In the heading of the original bill after the word "And" insert the following word "Vocational."

And when so amended recommend that the same do pass.

B. W. LEMKE,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred:

Senate Bill No. 11. A Bill for an Act Making an Appropriation for the Purpose of Paying a Bounty on Wolves and Coyotes as Provided for Under Sections 2645 to 2656, Inclusive, of the Supplement to the Compiled Laws of 1913 as Amended by Chapter 283, Session Laws of 1927 and as Amended by Chapter 9, Session Laws of 1933, and Magpie Bounty as Provided for by Sections 2656b1 to 2656b9, Inclusive, of the Supplement to the 1913 Compiled Laws of North Dakota; and Declaring an Emergency.

Have had the same under consideration and recommend that the same be amended as follows:

In the title of the engrossed bill, following the figures "1933" insert the following: "and as amended by Chapter 7, Session Laws 1935."

In line 3, of the engrossed bill, strike out the figures "\$75,000.00" and insert in lieu thereof the figures "\$60,000.00."

In line 8, of the engrossed bill, following the figures "1933" insert the following: "and as amended by Chapter 7, Session Laws 1935."

And when so amended recommend that the same do pass.

B. W. LEMKE,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred:

Senate Bill No. 30. A Bill for an Act Making an Appropriation for the North Dakota Children's Home and Aid Society of Fargo, North Dakota.

Have had the same under consideration and recommend that the same be amended as follows:

At the end of the title of the original bill, strike out the "Period" and add the following: "Providing the Methods of Expenditure, Reports, Certificates and Payment; Supervision and Inspection Therefor."

And when so amended recommend that the same do pass.

B. W. LEMKE,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred:

Senate Bill No. 32. A Bill for an Act Making an Appropriation for St. John's Orphanage of Fargo, North Dakota.

Have had the same under consideration and recommend that the same be amended as follows:

At the end of the title of the original bill strike out the "Period" and add the following: "Providing the Methods of Expenditure, Reports, Certificates and Payment; Supervision and Inspection Therefor."

And when so amended recommend that the same do pass.

B. W. LEMKE,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred:

Senate Bill No. 33. A Bill for an Act Making an Appropriation to Provide a State Contingency Fund to be Placed at the Disposal of the State Emergency Commission to be Used as Provided by Chapters 26 and 152, Session Laws of 1915, the Same Being Sections 283c1 to 283c6, Inclusive, and Section 283c10 of the Supplement to the 1913 Compiled Laws of North Dakota.

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

B. W. LEMKE,  
Chairman.

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

The following memorial resolution was read:

**JOINT MEMORIAL RESOLUTION "A"**

Introduced by Senator Olson

WHEREAS, the late Harry T. Peterson of Plaza, North Dakota, was called to his eternal reward on May 3, 1936; and

WHEREAS, he represented the Forty-fourth Legislative District for two years as a member of the Senate, and he also served as a member of the House of Representatives for two terms, and during all his public service and during his life, as a private citizen, his was a splendid example of integrity, loyalty, conscientious endeavor, and good citizenship; and

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

THEREFORE, BE IT RESOLVED, by the Senate and the House of Representatives assembled in Joint Session, that we do hereby express our heartfelt appreciation of the loyal service of our distinguished citizen, the late Harry T. Peterson, and that we further express the keen sorrow which we feel because of his passing; and

BE IT FURTHER RESOLVED, that the Resolution be printed in the Journal and that engrossed copies be forwarded by the Secretary of the Senate to his mother, Mrs. Christina Peterson of Anacortes, Washington; to his daughters, Edna, of Seattle, Washington; Adeline of Bremerton, Washington; Margaret of Bismarck; to his sons, James and Edward of Seattle; and Robert of Grand Forks; and to his two brothers, Martin of Plaza, North Dakota, and Edward of Plentywood, Montana.

Committee:

AXEL OLSON, Chairman  
THOS. WHELAN  
WM. THATCHER.

Senator Olson moved the adoption of the Resolution, which motion prevailed.

Senator Olson:

"Mr. President: The passing of Harry T. Peterson brought sorrow to the entire membership of the Senate. For several years he served with honor and distinction as a member of both branches of the Legislative Assembly of North Dakota.



"Endowed by nature with a charming personality and prepossessing personal appearance, a keen intellect, and a great heart, he built a character and a personality that left its imprint upon all who knew him.

"The old-fashioned virtues of honesty and integrity were a part of the warp and woof of his very life. The principles of the Christian religion he loved and lived. He abhorred hypocrisy and deceit, and loyalty to his friends was one of his cardinal virtues. He loved humanity, and was never happier than when fighting for the cause of the poor and oppressed. The record of his votes cast upon measures in the House of Representatives and the Senate during his service is abundant proof of this statement.

"He was earnest, logical, sensible and convincing in debate. Possessing a good stock of sound common sense, a fine judge of human nature, he could weigh measures and appraise men at their loyal worth. He was a graduate of the greatest university in the land, namely, the University of Hard Work and Experience.

"Having a finely developed sense of humor, and being a charming conversationalist, and being endowed by nature with a lot of horse-sense, together with a spirit of optimism and hope, he dispelled gloom and brought joy into the hearts of the downcast and oppressed.

"The world is brighter and better and happier because Harry T. Peterson lived. God bless and revere his memory."

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota.  
January 19, 1937.

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

#### JOINT MEMORIAL RESOLUTION "A"

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

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senator Watt moved that the Senate reconsider the action by which Senate Bill No. 19 was passed, which motion prevailed.

Senator Watt moved that Senate Bill No. 19 be re-referred to the Committee on Appropriations, which motion prevailed.

#### FIRST READING OF SENATE BILLS

Senator Mutchler introduced:

Senate Bill No. 59. A Bill for an Act Prohibiting Dances in or on Premises, or Premises Adjacent to a Place Where In-

toxicating Liquors are Sold as a Beverage; Defining the Duties of States Attorneys and Peace Officers; and Declaring an Emergency.

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

Senator Nelson of Grand Forks introduced:

Senate Bill No. 60. A Bill for an Act to Amend and Re-enact Section 3835 of the Compiled Laws of 1913 Relating to the Recall of City Officials and Declaring an Emergency.

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

Senators Young and Lavik introduced:

Senate Bill No. 61. A Bill for an Act to Define and Punish Kidnaping; Kidnaping of Children and Kidnaping for Ransom, Fixing Venue for Trial and Making Person Convicted of Kidnaping for Ransom Ineligible to Parole, Commutation of Sentence or Pardon, Except as Herein Provided, Repealing Section 9514 of the Compiled Laws of North Dakota, 1913, and All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

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

Senators McGillic, Blaisdell and Nelson of Grand Forks introduced:

Senate Bill No. 62. A Bill for an Act to Create an Unemployment Compensation Fund from Contributions by Employers for the Payment of Compensation for Involuntary Unemployment, to Provide for Merit Ratings for Employers With Creditable Employment Records, to Provide for Guaranteed Employment Accounts, to Provide for Cooperation With the Social Security Board of the United States of America, to Provide for a State Employment Service, an Employment Service Account and an Appropriation Therefor; to Provide for the Administration of this Act and to appropriate Funds to Carry Said Act into Effect; and Declaring an Emergency.

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

Senator Brostuen introduced:

Senate Bill No. 63. A Bill for an Act Establishing and Creating the North Dakota Regulatory Department, Providing for Appointment of a Director, Assistant Director and an Inspector of Said Regulatory Department, Fixing Their Salaries and Expenses, Providing for the Deposit of All Moneys Collected by Said Regulatory Department. Providing for the Duties of Said Director, Assistant Director and Inspector of Said Department, Transferring to Said Regulatory Department from the Officers Now Charged Therewith, the Enforcement of Said Regulatory Laws of This State, Imposing Certain Duties as to Inspection and Licensing of Weights and

Measures and as to Collection of Certain Taxes and Providing for the Distribution of the Moneys Collected by the Regulatory Department to the Counties and State Equalization Fund. Repealing All Acts and All Parts of Acts in Conflict Herewith.

Was read the first time and referred to the Committee on Taxes and Tax Laws.

### SECOND READING OF SENATE BILLS

Senate Bill No. 5. A Bill for an Act Making an Appropriation for the Inspection and Eradication of Bee Diseases, Under the Provisions of Chapter 140, Session Laws of 1923, the Same Being Sections 2790a1-2790a18 of the Supplement to the 1913 Compiled Laws of North Dakota.

Was read the second time.

Senator Johnson moved that Senate Bill No. 5 be amended as follows:

In the title of the bill, strike out the following words and figures: "Chapter 140, Session Laws of 1923, the same being." And strike out the same words and figures in lines 6 and 7 of the printed bill.

Which motion prevailed.

Senator Johnson moved that the rules be suspended and Senate Bill No. 5 be considered properly engrossed and placed upon 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, 41; nays, 4; absent and not voting, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Johnson	Olson
Brostuen	Kolpin	Owings
Coffey	Kroeber	Skarvold
Crandall	Lavik	Strehlow
Drew	Lemke	Streibel
Ettestad	Lian	Stucke
Fine	Lowe	Thatcher
Fowler	Lynn	Thorson
Fredrickson	Magoffin	Topp
Gilbertson	McGillic	Vinje
Greene	Morrison	Watt
Gronvold	Mutchler	Williams
Guenther	Nelson, Barnes	Young
Guthrie	Nelson, Grand Fks.	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Whelan	Wog
Trout		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Hulteng	Kamrath
Cain		

So the bill passed and the title was agreed to.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
January 19, 1937.

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

#### SENATE CONCURRENT RESOLUTION "C"

Which the Speaker has signed.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 34. A Bill for an Act Making an Appropriation to Pay the Expenses of the State Board of Veterinary Medical Examiners as Authorized Under Sections 2711 to 2720, Inclusive, of the Compiled Laws of North Dakota, for the Year 1913.

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, 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kolpin	Owings
Blaisdell	Kroeber	Skarvold
Brostuen	Lavik	Strehlow
Coffey	Lemke	Stucke
Crandall	Lian	Thatcher
Drew	Lowe	Thorson
Ettestad	Lynn	Topp
Fine	Magoffin	Trout
Fowler	McGillic	Vinje
Fredrickson	Morrison	Watt
Gilbertson	Mutchler	Whelan
Greene	Nelson, Barnes	Williams
Gronvold	Nelson, Grand Fks.	Wog
Guenther	Olson	Young
Guthrie		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Hulteng	Kamrath
Cain	Johnson	Streibel

So the bill passed and the title was agreed to.

Senate Bill No. 35. A Bill for an Act Making an Appropriation for the Purpose of Paying Premiums on Bonds of State Officials as Provided by Chapter 175, Session Laws of 1917, the Same Being Section 663a1 of the Supplement to the 1918 Compiled Laws of North Dakota.

Was read the second time.

Senator Coffey moved that Senate Bill No. 35 be amended as follows:

In the title of the bill, strike out the following words and figures: "Chapter 175, Session Laws of 1917, the same being," and strike out the same words and figures in lines 5 and 6 of the printed bill.

Which motion prevailed.

Senator Coffey moved that the rules be suspended and Senate Bill No. 35 be considered properly engrossed and placed upon final passage, as amended.

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, 43; nays, 0; absent and not voting, 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kolpin	Owings
Blaisdell	Kroeber	Skarvold
Brostuen	Lavik	Strehlow
Coffey	Lemke	Stucke
Crandall	Lian	Thatcher
Drew	Lowe	Thorson
Ettestad	Lynn	Topp
Fine	Magoffin	Trout
Fowler	McGillic	Vinje
Fredrickson	Morrison	Watt
Greene	Mutchler	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young
Johnson		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Gilbertson	Kamrath
Cain	Hulteng	Streibel

So the bill passed and the title was agreed to.

Senate Bill No. 36. A Bill for an Act Making an Appropriation to Provide Funds to Pay the Necessary Expenses and Reasonable Compensation to Commissioners Appointed in Actions to Release Insane Patients as Prescribed by Section 2562 of the Compiled Laws of 1913.

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, 7.

Those voting in the affirmative were:

Aasen	Kolpin	Owings
Blaisdell	Kroeber	Skarvold
Brostuen	Lavik	Strehlow
Coffey	Lemke	Stucke
Crandall	Lian	Thatcher
Drew	Lowe	Thorson
Ettestad	Lynn	Topp
Fine	Magoffin	Trout
Fowler	McGillic	Vinje
Fredrickson	Morrison	Watt
Greene	Mutchler	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Hulteng	Kamrath
Cain	Johnson	Streibel
Gilbertson		

So the bill passed and the title was agreed to.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
January 19, 1937.

Mr. President: I have the honor to inform you that the House has adopted:

#### JOINT MEMORIAL RESOLUTION "A"

Also,

That the House has adopted:

#### JOINT RESOLUTION "E"

And has appointed Representatives Thompson, Fitch and Greiser to confer with a like committee from the Senate to arrange an appropriate program for the unveiling of the portrait.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

Senator Gilbertson moved that the Senate do now recess until 1:30 o'clock tomorrow.

Which motion prevailed.

The Senate stood recessed.

COURTESIES OF THE FLOOR

The courtesies of the floor were extended to:

D. H. Begeman, Archie Thornton, Wm. Remmick, Steele;  
A. R. Wija, Fargo; Charles Tuff, Rugby.

THOMAS McDONALD,  
Secretary.

FIFTEENTH DAY AFTER RECESS AND SIXTEENTH  
DAY

Senate Chamber,  
Bismarck, North Dakota,  
January 20, 1937.

The Senate convened at 1:30 p. m., pursuant to recess taken, President Thoresen presiding.

Senator Lowe moved that the Senate do now adjourn.

Which motion prevailed.

The Senate stood adjourned.

THOMAS McDONALD,  
Secretary.

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SIXTEENTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
January 20, 1937.

The Senate convened at 2:00 p. m., pursuant to adjournment, the President presiding.

Prayer by the Chaplain, Major Herbert Smith, Bismarck.

Roll Call: All members present except Senators Bilden, Hulteng and Kamrath.

Senator Gronvold moved the absent Senators be excused.

Which motion prevailed.

MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
January 20, 1937.

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



Senate Bill No. 1. A Bill for an Act Providing for the Organization of Farmers State Mutual Fire and Lightning Reinsurance Companies, and Repealing all Acts and Parts of Acts in Conflict Herewith.

Also,

Senate Bill No. 14. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the State Historical Society.

Also,

Senate Bill No. 18. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the Department of Coal Mine Inspection.

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

Very respectfully,

THOMAS McDONALD,  
Secretary.

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 Fourteenth Day after Recess and Fifteenth Day and recommend that the same be corrected as follows:

On page 129, line 9, following the word "Resolution," insert the letter "A," and on the same page, line 33, strike out the words "Chief Clerk" and insert the word "Secretary."

On page 133, following line 6, insert the following: "Senator Watt moved that Senate Bills No. 29, 30, 31 and 32 be re-referred to the Committee on Appropriations, which motion prevailed."

And when so corrected recommend that the same be approved.

C. C. MORRISON,  
Chairman.

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

Senator Whelan moved the nomination of Ruth Hintgen of Gladstone as Clerk of Judiciary Committee.

#### ROLL CALL

The question being on the election of Ruth Hintgen, as Clerk of the Judiciary Committee, the roll was called and there were ayes, 45; nays, 0; absent and not voting, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Owings
Blaisdell	Johnson	Skarvold

Messrs.	Messrs.	Messrs.
Brostuen	Kolpin	Strehlow
Cain	Lavik	Streibel
Coffey	Lemke	Stucke
Crandall	Lian	Thatcher
Drew	Lowe	Thorson
Ettestad	Lynn	Topp
Fine	Magoffin	Trout
Fowler	McGillic	Vinje
Fredrickson	Morrison	Watt
Gilbertson	Mutchler	Whelan
Greene	Nelson, Barnes	Williams
Gronvold	Nelson, Grand Fks.	Wog
Guenther	Olson	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Kamrath	Kroeber
Hulteng		

So Ruth Hintgen was declared elected.

Senator Whelan moved the nomination of Margaret Ike of Ray as Clerk of the Committee on Education.

#### ROLL CALL

The question being on the election of Margaret Ike of Ray as Clerk of the Committee on Education, the roll was called and there were ayes, 45; nays, 0; absent and not voting, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Owings
Blaisdell	Johnson	Skarvold
Brostuen	Kolpin	Strehlow
Cain	Lavik	Streibel
Coffey	Lemke	Stucke
Crandall	Lian	Thatcher
Drew	Lowe	Thorson
Ettestad	Lynn	Topp
Fine	Magoffin	Trout
Fowler	McGillic	Vinje
Fredrickson	Morrison	Watt
Gilbertson	Mutchler	Whelan
Greene	Nelson, Barnes	Williams
Gronvold	Nelson, Grand Fks.	Wog
Guenther	Olson	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Kamrath	Kroeber
Hulteng		

So Margaret Ike was declared elected.

**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. 1. A Bill for an Act Providing for the Organization of Farmers State Mutual Fire and Lightning Reinsurance Companies, and Repealing all Acts and Parts of Acts in Conflict Herewith.

Also,

Senate Bill No. 18. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the Department of Coal Mine Inspection.

And find the same correctly engrossed.

**WILLIAM KROEBER,**  
Chairman.

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

**REPORTS OF STANDING COMMITTEES**

A majority of the Committee on Judiciary made the following report:

Mr. President: A majority of your committee on Judiciary to whom was referred:

Senate Bill No. 4. A Bill for an Act to Amend and Re-enact Section 5, Chapter 170 of the Session Laws of North Dakota for the Year 1933, Relating to Municipal Bond Issues and Elections Therefor, and Declaring an Emergency.

Have had the same under consideration and recommend that the same be amended as follows:

In line 2 of Section 2, of the printed bill, after the word "and" strike out "is hereby declared to" and insert in lieu thereof the word "shall," and when so amended recommend that the same do pass.

**MAX H. STREHLOW,**  
**F. T. GRONVOLD,**  
**GEORGE V. COFFEY,**  
**TOM WHELAN,**  
**A. W. FOWLER,**  
**HARRY C. LYNN,**  
**J. P. CAIN,**  
Chairman.

Senator Cain moved that the report of the majority be adopted.

A minority of the Committee on Judiciary made the following report:

Mr. President: A minority of your Committee on Judiciary to whom was referred:

Senate Bill No. 4. A Bill for an Act to Amend and Re-enact Section 5, Chapter 170 of the Session Laws of North Dakota for the Year 1933, Relating to Municipal Bond Issues and Elections Therefor, and Declaring an Emergency.

Have had the same under consideration and recommend that the same be indefinitely postponed.

JAMES W. GUTHRIE,  
J. C. BLAISDELL,  
BEN GILBERTSON,  
OLE ETTESTAD,  
C. W. FINE,  
ANDREW SKARVOLD,  
MELVIN P. JOHNSON.

Senator Blaisdell moved, as a substitute motion, that the report of the minority be adopted.

Roll Call demanded and granted.

#### ROLL CALL

The question being on the adoption of the minority report on Senate Bill No. 4, the roll was called and there were ayes, 26; nays, 20; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Skarvold
Blaisdell	Johnson	Streibel
Brostuen	Kolpin	Stucke
Ettestad	Lemke	Thorson
Fine	Lian	Topp
Fredrickson	McGillic	Trout
Gilbertson	Morrison	Vinje
Greene	Olson	Williams
Guenther	Owings	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Cain	Lavik	Strehlow
Coffey	Lowe	Thatcher
Crandall	Lynn	Watt
Drew	Magoffin	Whelan
Fowler	Mutchler	Wog
Gronvold	Nelson, Barnes	Young
Kroeber	Nelson, Grand Fks.	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Hulteng	Kamrath

So the minority report was adopted and Senate Bill No. 4 was declared indefinitely postponed.

Senator Gilbertson moved that the vote by which the minority report on Senate Bill No. 4 was adopted be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred:

Senate Bill No. 21. A Bill for an Act to Provide That Judgments or Lien not Renewed Within Ten Years from Date of Docketing, Shall Be Discharged and Satisfied of Record.

Have had the same under consideration and recommend that the same be amended as follows:

In line 1 of the Title of the printed bill, strike out the words "or lien".

In line 3 of Section 1 of the printed bill, strike out the words "or lien".

In line 6 of Section 1 of the printed bill, strike out the words "or lien".

In line 7 of Section 1 of the printed bill, strike out the following words: "within ten years from the date of the docketing of".

In line 8, of Section 1, of the printed bill, strike out the following words: "the same".

In line 9, of Section 1, of the printed bill, strike out the words "Sections 7692" and insert in lieu thereof "Section 7692, Supplement to the Compiled Laws of 1913, and Sections".

In line 11, of Section 1, of the printed bill, strike out the words "or lien".

And when so amended recommend that the same do pass.

J. P. CAIN.  
Chairman.

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

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred:

Senate Bill No. 27. A Bill for an Act Making it Unlawful for the Governor or any Officer of the State, or any Manager or Executive Head or Other Person Directly or Indirectly Employed by any Department, Bureau, Commission or Industry of This State, or any Member of any State Board, to Appoint any Member of the Legislative Assembly to any Civil Office or any Civil Employment During the Term for Which Said Member Shall Have Been Elected; Making it

Unlawful for any Member of Said Legislative Assembly to Accept Such Employment; Providing a Penalty, and Declaring an Emergency.

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

J. P. CAIN,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred:

Senate Bill No. 15. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the Department of Public Health.

Have had the same under consideration and recommend that the same be amended as follows:

In line 3 of the printed bill, strike out the figures "\$63,020.00" and insert in lieu thereof the figures "\$62,020.00."

In line 8 of the printed bill, item "Salary" strike out the figures "\$4,800.00" and insert in lieu thereof the figures "\$6,000.00".

In line 12 of the printed bill item "Sanitary Engineer" strike out the figures "\$4,800.00" and insert in lieu thereof the figures "\$5,000.00".

In line 21 of the printed bill, item "Travel Expenses" strike out the figures "10,000.00" and insert in lieu thereof the figures "7,600.00".

In line 28 of the printed bill, item "Total" strike out the figures "\$63,020.00" and insert in lieu thereof the figures "\$62,020.00".

And when so amended recommend that the same do pass.

B. W. LEMKE,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred:

Senate Bill No. 16. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the Public Health Laboratories.

Have had the same under consideration and recommend that the same be amended as follows:

In line 3 of the printed bill, strike out the figures "\$30,830.00" and insert in lieu thereof the figures "\$30,740.00".

In line 10 of the printed bill, item "Second Technician," strike out the figures "2,690.00" and insert in lieu thereof the figures "2,800.00".

In line 14 of the printed bill, item "Second Technician," strike out the figures "3,000.00" and insert in lieu thereof the figures "2,800.00".

In line 28 of the printed bill, item "Total," strike out the figures "\$30,830.00" and insert in lieu thereof the figures "\$30,740.00".

And when so amended recommend that the same do pass.

B. W. LEMKE,  
Chairman.

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

The Committee on Appropriations made the following re-report:

Mr. President: Your Committee on Appropriations to whom was referred:

Senate Bill No. 38. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire, Travel and General Expenses of the Office of Veterans' Service Commissioner as Prescribed by Chapter 281, Laws of 1927, and Chapter 74, Laws of 1929.

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

B. W. LEMKE,  
Chairman.

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

The Committee on Appropriations made the following re-report:

Mr. President: Your Committee on Appropriations to whom was referred:

Senate Bill No. 41. A Bill for an Act Making an Appropriation for the North Dakota Soldiers' Home at Lisbon, North Dakota; Providing for Reports and Deductions, and Declaring an Emergency.

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

B. W. LEMKE,  
Chairman.

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

#### 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. 48. A Bill for an Act to Amend and Re-enact Section 1164 of the Compiled Laws of the State of North Dakota for 1913, Pertaining to the Duties of the Clerks of Common School Districts.

Also,

Senate Bill No. 33. A Bill for an Act Making an Appropriation to Provide a State Contingency Fund to be Placed at the Disposal of the State Emergency Commission to be Used as Provided by Chapters 26 and 152, Session Laws of 1915, the Same Being Sections 283c1 to 283c6, Inclusive, and Section 283c10 of the Supplement to the 1913 Compiled Laws of North Dakota.

And find the same correctly engrossed.

WILLIAM KROEBER,  
Chairman.

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

#### FIRST READING OF SENATE BILLS

The Committee on Appropriations introduced:

Senate Bill No. 64. A Bill for an Act Making an Appropriation to Provide for the Payment of a Deficit in the Appropriation for Printing Expense of the Twenty-fourth Session of the Legislative Assembly of the State of North Dakota, and Declaring an Emergency.

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

Senator Stucke introduced:

Senate Bill No. 65. A Bill for an Act to Amend and Re-enact Section 6, of Chapter 108, of the Session Laws of 1935, Relating to Credit Unions in the State of North Dakota.

Was read the first time and referred to the Committee on Banks and Banking.

Senators Strehlow, Whelan and Stucke introduced:

Senate Bill No. 66. A Bill for an Act to Regulate the Operation of Pharmacies, Require the Obtaining of Permit Therefor, Prescribing Certain Requirements with Respect Thereto, Providing for Rules and Regulations to Be Formu-



lated by the North Dakota Board of Pharmacy; and Prescribing Penalties for Violation Thereof.

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

#### SECOND READING OF SENATE BILLS

Senate Bill No. 48. A Bill for an Act to Amend and Re-enact Section 1164 of the Compiled Laws of the State of North Dakota for 1913, Pertaining to the Duties of the Clerks of Common School Districts.

Was read the second time.

Senator Brostuen moved that Senate Bill No. 48 be referred to the Committee on Education for the purpose of amendment.

Which motion lost.

Senator Brostuen moved that Senate Bill No. 48 be amended as follows:

In line 1, of Section 3, following the figure "3," insert the word "Repeal."

Which motion prevailed.

Senator Brostuen moved that Senate Bill No. 48 be further amended as follows:

In Section 4, line 1, following the figure "4," insert the word "Emergency."

Which motion prevailed.

Senator Johnson moved that Senate Bill No. 48 be amended as follows:

At the end of the title of the bill, strike out the "period," insert a "comma," and add the following: "Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency."

Which motion prevailed.

Senator Aasen moved that Senate Bill No. 48 be amended as follows:

In Section 2, line 9, of the printed bill, following the words "polling place," insert the following: "at 3:00 P. M. on school election days."

Which motion was lost.

Senator Fine moved that the rules be suspended, that Senate Bill No. 48 be considered properly re-engrossed and placed upon Final Passage, as amended.

Which motion prevailed.

#### ROLL CALL

The question being on the final passage of Senate Bill No.

48, as amended, the roll was called and there were ayes, 46; nays, 0; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Owings
Blaisdell	Kolpin	Skarvold
Brostuen	Kroeber	Strehlow
Cain	Lavik	Streibel
Coffey	Lemke	Stucke
Crandall	Lian	Thatcher
Drew	Lowe	Thorson
Ettestad	Lynn	Topp
Fine	Magoffin	Trout
Fowler	McGillic	Vinje
Fredrickson	Morrison	Watt
Gilbertson	Mutchler	Whelan
Greene	Nelson, Barnes	Williams
Gronvold	Nelson, Grand Fks.	Wog
Guenther	Olson	Young
Guthrie		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Hulteng	Kamrath

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

Senate Bill No. 33. A Bill for an Act Making an Appropriation to Provide a State Contingency Fund to be Placed at the Disposal of the State Emergency Commission to be Used as Provided by Chapters 26 and 152, Session Laws of 1915, the Same Being Sections 283c1 to 283c6, Inclusive, and Section 283c10 of the Supplement to the 1913 Compiled Laws of North Dakota.

Was read the second time.

Senator Johnson moved that Senate Bill No. 33 be amended as follows:

In lines 3 and 4, of the title of the bill, strike out the following: "Chapters 26 and 152, Session Laws of 1915, the Same Being," and strike out the same words and figures in lines 8 and 9, of Section 1 of the printed bill.

Which motion prevailed.

Senator Watt moved that Senate Bill No. 33 be further amended as follows:

"Strike out line 6 of the title of the bill and insert the following: "Compiled Laws of 1913."

Strike out line 10 of the printed bill and insert the following: "the Supplement to the Compiled Laws of 1913."

Which motion prevailed.

Senator Cain moved that the rules be suspended, that Senate Bill No. 33 be considered properly re-engrossed and placed upon second reading and final passage.

### ROLL CALL

The question being on the final passage of Senate Bill No. 33, as amended, the roll was called and there were ayes, 46; nays, 0; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Owings
Blaisdell	Kolpin	Skarvold
Brostuen	Kroeber	Strehlow
Cain	Lavik	Streibel
Coffey	Lemke	Stucke
Crandall	Lian	Thatcher
Drew	Lowe	Thorson
Ettestad	Lynn	Topp
Fine	Magoffin	Trout
Fowler	McGillic	Vinje
Fredrickson	Morrison	Watt
Gilbertson	Mutchler	Whelan
Greene	Nelson, Barnes	Williams
Gronvold	Nelson, Grand Fks.	Wog
Guenther	Olson	Young
Guthrie		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Hulteng	Kamrath

So the bill passed and the title was agreed to.

Senator Fine moved that the Senate do now adjourn.

Which motion prevailed.

The Senate stood adjourned.

### COURTESIES OF THE FLOOR

The courtesies of the floor were extended to:

Vernon Johnson, Wahpeton.

THOMAS McDONALD,  
Secretary.

## SEVENTEENTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
January 21, 1937.

The Senate convened at 2:00 p. m., pursuant to adjournment, the President presiding.

Prayer by the Chaplain, Rev. Wm. A. Lemke, Bismarck.

Roll Call: All members present except Senators Bilden and Hulteng.

Senator Nelson moved the absent Senators 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 15th day after recess and 16th day and recommend that the same be corrected as follows:

On page 141, in lines 22 and 47, strike out the figures "21" and insert in lieu thereof the figure "4".

On page 142, line 2, strike out the figures "21" and insert in lieu thereof the figure "4".

On page 142, line 28, following the figures "1913" insert the words "and Sections".

On page 146, line 29, after the word "following" strike out the word "and", and in line 30, following the word "herewith" insert the following: "and declaring an emergency."

And when so corrected recommend that the same be approved.

C. C. MORRISON,  
Chairman.

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

## PETITIONS AND COMMUNICATIONS

The following petitions and communications were received and read from the desk:

A communication from the Afton Local of the Farmers Union urging legislation to abolish compulsory military training in state schools, also legislation to provide for high school correspondence courses.

A communication from the County Commissioners of La-Moure County urging the passage of legislation requiring persons or families entering a county in this state to register at a designated office for purpose of determining relief eligibility.

A telegram addressed to Lieutenant Governor Thoresen, signed by Gov. Wm. Langer and Usher L. Burdick, suggesting that a joint session be arranged for Tuesday, January 26th, for the purpose of hearing Cal Ward, Regional Director of the Resettlement Administration and U. S. Assistant Attorney General Reetz discuss livestock feed, farm loans and resettlement matters.

## 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. 38. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire, Travel and General Expenses of the Office of Veterans' Service Commissioner as Prescribed by Chapter 281, Laws of 1927, and Chapter 74, Laws of 1929.

Also,

Senate Bill No. 41. A Bill for an Act Making an Appropriation for the North Dakota Soldiers' Home at Lisbon, North Dakota; Providing for Reports and Deductions, and Declaring an Emergency.

Also,

Senate Bill No. 11. A Bill for an Act Making an Appropriation for the Purpose of Paying a Bounty on Wolves and Coyotes as Provided for Under Sections 2645 to 2656, Inclusive, of the Supplement to the Compiled Laws of 1913 as Amended by Chapter 283, Session Laws of 1927, and as Amended by Chapter 9, Session Laws of 1933, and as Amended by Chapter 7, Session Laws of 1935; and Magpie Bounty as Provided for by Section 2656b1 to 2656b9, Inclusive, of the Supplement to the 1913 Compiled Laws of North Dakota; and Declaring an Emergency.

Also,

Senate Bill No. 10. A Bill for an Act Making an Appropri-

ation for the Purpose of Carrying Out the Provisions of Chapter 203, Session Laws 1919, and Chapter 115, Session Laws 1921, the Same Being Sections 1471b1 to 1471b9 and 1471c1 to 1471c8 of the Supplement to the 1913 Compiled Laws of North Dakota.

Also,

Senate Bill No. 15. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the Department of Public Health.

Also,

Senate Bill No. 16. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the Public Health Laboratories.

And find the same correctly engrossed.

WILLIAN KROEBER,  
Chairman.

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

#### REPORTS OF STANDING COMMITTEES

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred:

Senate Bill No. 17. A Bill for an Act Making an Appropriation for the Purpose of Paying Salaries, Clerkhire and General Expenses of the Division of Child Hygiene.

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

B. W. LEMKE,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred:

Senate Bill No. 37. A Bill for an Act Making an Appropriation for the Purpose of Refunding Money Erroneously Paid Into or Credited to the General Fund.

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

B. W. LEMKE,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred:

Senate Bill No. 42. A Bill for an Act Making an Appropriation for the Use and Benefit of the North Dakota Firemen's Association in Promoting Regional Fire Schools, and Other Activities of Such Association, as Provided for Under Chapter 137, Session Laws of 1935.

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

B. W. LEMKE,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred:

Senate Bill No. 43. A Bill for an Act Making an Appropriation for the Purpose of Maintaining a State Employment Service, as Provided for Under Chapter 161, Session Laws of 1935.

Have had the same under consideration and recommend that the same be amended as follows:

In line 3 of the engrossed bill, strike out the figures "\$5,000.00" and insert in lieu thereof the figures "\$10,000.00".

And when so amended recommend that the same do pass.

B. W. LEMKE,  
Chairman.

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

The President administered the oath of office to the following employees:

Ruth Hintgen, Clerk of the Judiciary Committee.  
Margaret Ike, Clerk of the Committee on Education.

Senator Cain moved that the Chair appoint a committee of three to confer with a like committee from the House, to arrange a joint session for Tuesday, January 26th, as suggested in the Governor's telegram.

Which motion prevailed.

The President appointed on such committee Senators Cain, Owings and Gronvold.

Senator Whelan requested that the Senate return to the Fifth Order of Business.

Which request was granted.

Senator Whelan, chairman of the Committee on Employment, presented Joint Resolution "H," relative to fixing of salaries of employees.

#### JOINT RESOLUTION "H"

Was read.

Senator Whelan moved the adoption of the resolution.

#### ROLL CALL

The question being on the adoption of Joint Resolution "H," the roll was called and there were ayes, 46; nays, 0; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Owings
Blaisdell	Kolpin	Skarvold
Brostuen	Kroeber	Strehlow
Cain	Lavik	Streibel
Coffey	Lemke	Stucke
Crandall	Lian	Thatcher
Drew	Lowe	Thorson
Ettestad	Lynn	Topp
Fine	Magoffin	Trout
Fredrickson	McGillic	Vinje
Gilbertson	Morrison	Watt
Greene	Mutchler	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young
Johnson		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Fowler	Hulteng

So Joint Resolution "H" was declared adopted.

#### MESSAGE FROM THE SENATE

Senate Chamber,  
Bismarck North Dakota,  
January 21, 1937.

Mr. Speaker: I have the honor to transmit herewith the following:

#### JOINT RESOLUTION "H"

Which the Senate has passed.

Very respectfully,

THOMAS McDONALD,  
Secretary.



SECOND READING OF SENATE BILLS

Senate Bill No. 10. A Bill for an Act Making an Appropriation for the Purpose of Carrying Out the Provisions of Chapter 203, Session Laws 1919, and Chapter 115, Session Laws 1921, the Same Being Sections 1471b1 to 1471b9 and 1471c1 to 1471c8 of the Supplement to the 1913 Compiled Laws of North Dakota.

Was read the second time.

Senator Watt moved that Senate Bill No. 10 be amended as follows:

In lines 2 and 3 of the title of the printed bill, strike out the following: "Chapter 203, Session Laws 1919, and Chapter 115, Session Laws 1921, the same being."

Also in line 5 of the title of the printed bill, strike out the figures "1913" and the words "North Dakota" and following the word "of" in last line of the title, insert the figures "1913."

Which motion prevailed.

Senator Watt moved that the rules be suspended and Senate Bill No. 10 be considered properly re-engrossed and placed upon second reading and final passage.

Which motion prevailed.

ROLL CALL

The question being on the final passage of Senate Bill No. 10, as amended, the roll was called and there were ayes, 44; nays, 0; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Owings
Blaisdell	Kolpin	Skarvold
Brostuen	Kroeber	Strehlow
Cain	Lavik	Streibel
Coffey	Lemke	Stucke
Crandall	Lian	Thatcher
Drew	Lowe	Thorson
Ettestad	Lynn	Topp
Fine	Magoffin	Trout
Fredrickson	McGillic	Vinje
Gilbertson	Morrison	Watt
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young
Guthrie	Olson	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Hulteng	Whelan
Fowler	Johnson	

So the bill passed and the title was agreed to.

## MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
January 21, 1937.

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

Senate Bill No. 34. A Bill for an Act Making an Appropriation to Pay the Expenses of the State Board of Veterinary Medical Examiners as Authorized Under Sections 2711 to 2720, Inclusive, of the Compiled Laws of North Dakota, for the Year 1913.

Also,

Senate Bill No. 36. A Bill for an Act Making an Appropriation to Provide Funds to Pay the Necessary Expenses and Reasonable Compensation to Commissioners Appointed in Actions to Release Insane Patients as Prescribed by Section 2562 of the Compiled Laws of 1913.

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

Very respectfully,

THOMAS McDONALD,  
Secretary.

## SECOND READING OF SENATE BILLS

Senate Bill No. 11. A Bill for an Act Making an Appropriation for the Purpose of Paying a Bounty on Wolves and Coyotes as Provided for Under Sections 2645 to 2656, Inclusive, of the Supplement to the Compiled Laws of 1913 as Amended by Chapter 283, Session Laws of 1927, and as Amended by Chapter 9, Session Laws of 1933, and as Amended by Chapter 7, Session Laws of 1935; and Magpie Bounty as Provided for by Section 2656b1 to 2656b9, Inclusive, of the Supplement to the 1913 Compiled Laws of North Dakota; 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, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Owings
Blaisdell	Kamrath	Skarvold
Brostuen	Kolpin	Strehlow
Cain	Kroeber	Streibel
Coffey	Lavik	Stucke
Crandall	Lemke	Thatcher
Drew	Lian	Thorson

Messrs.	Messrs.	Messrs.
Ettestad	Lowe	Topp
Fine	Lynn	Trout
Fredrickson	Magoffin	Vinje
Gilbertson	Morrison	Watt
Greene	Mutchler	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Hulteng	McGillic
Fowler		

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

Senate Bill No. 27. A Bill for an Act Making it Unlawful for the Governor or any Officer of the State, or any Manager or Executive Head or Other Person Directly or Indirectly Employed by any Department, Bureau, Commission or Industry of This State, or any Member of any State Board, to Appoint any Member of the Legislative Assembly to any Civil Office or any Civil Employment During the Term for Which Said Member Shall Have Been Elected; Making it Unlawful for any Member of Said Legislative Assembly to Accept Such Employment; Providing a Penalty, and Declaring an Emergency.

Was read the second time.

Senator Gilbertson moved that Senate Bill No. 27 be amended as follows:

In the title of the bill after the word "employment," insert the following: "and providing when this Act shall take effect."

Also on page 2, line 4 of the printed bill, insert the words, "This Act shall not take effect until January 1, 1939."

Senator McGillic moved, as a substitute motion, that Senate Bill No. 27 be amended as follows:

In the title of the bill, line 9, after the word "Employment," insert the following: "and providing when this Act shall take effect."

Also on page 2, line 4, after the word "elected," insert the following: "This Act shall take effect on January 1, 1939."

Also strike out all of Section 4, and in the title of the bill, strike out the words: "and declaring an emergency."

The question being on the substitute motion of Senator McGillic, the motion lost.

#### ROLL CALL

The question being on the final passage of Senate Bill No. 27, the roll was called and there were ayes, 41; nays, 5; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Blaisdell	Johnson	Owings
Brostuen	Kamrath	Skarvold
Cain	Kolpin	Streibel
Coffey	Kroeber	Thorson
Crandall	Lavik	Topp
Drew	Lemke	Trout
Ettestad	Lian	Vinje
Fine	Lowe	Watt
Fredrickson	Magoffin	Whelan
Gilbertson	McGillic	Williams
Greene	Mutchler	Wog
Gronvold	Nelson, Barnes	Young
Guenther	Nelson, Grand F'ks.	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Lynn	Strehlow	Thatcher
Morrison	Stucke	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Fowler	Hulteng

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

Senator Gilbertson moved that the vote by which Senate Bill No. 27 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Cain requested that the Senate return to the Seventh Order of Business.

Which request was granted.

Senator Cain moved that the rules be suspended, and that the Senate immediately message to the House the appointment of a committee to act with a like committee from the House to arrange for a joint session to be held January 26th.

Which motion prevailed.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
January 21, 1937.

Mr. Speaker: I have the honor to inform you that the President of the Senate has appointed as a committee to confer with a like committee from the House to arrange for a joint session, Senators Cain, Owings and Gronvold.

Very respectfully,

THOMAS McDONALD,  
Secretary.

## MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
January 21, 1937.

Mr. President: I have the honor to inform you that the House has adopted the report arranging for a joint session on Tuesday, January 26, 1937, and the Speaker has appointed a committee to act with a like committee from the Senate, Representatives Godwin, Morland and Frosaker.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

## SECOND READING OF SENATE BILLS

Senate Bill No. 15. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the Department of Public Health.

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, 47; nays, 0; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Owings
Blaisdell	Kamrath	Skarvold
Brostuen	Kolpin	Strehlow
Cain	Kroeber	Streibel
Coffey	Lavik	Stucke
Crandall	Lemke	Thatcher
Drew	Lian	Thorson
Ettestad	Lowe	Topp
Fine	Lynn	Trout
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young
Guthrie	Olson	

Absent and not voting:

Messrs.	Messrs.
Bilden	Hulteng

So the bill passed and the title was agreed to.

Senate Bill No. 16. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the Public Health Laboratories.

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, 47; nays, 0; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Owings
Blaisdell	Kamrath	Skarvold
Brostuen	Kolpin	Strehlow
Cain	Kroeber	Streibel
Coffey	Lavik	Stucke
Crandall	Lemke	Thatcher
Drew	Lian	Thorson
Ettestad	Lowe	Topp
Fine	Lynn	Trout
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young
Guthrie	Olson	

Absent and not voting:

Messrs.	Messrs.
Bilden	Hulteng

So the bill passed and the title was agreed to.

Senate Bill No. 38. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire, Travel and General Expenses of the Office of Veterans' Service Commissioner as Prescribed by Chapter 281, Laws of 1927, and Chapter 74, Laws of 1929.

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, 1; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Olson
Blaisdell	Kamrath	Skarvold
Brostuen	Kolpin	Strehlow
Cain	Kroeber	Streibel
Coffey	Lavik	Stucke
Crandall	Lemke	Thatcher
Drew	Lian	Thorson
Ettestad	Lowe	Topp
Fine	Lynn	Trout
Fowler	Magoffin	Vinje

Messrs.	Messrs.	Messrs.
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young
Guthrie		

Those voting in the negative were:

Messrs.  
Owings

Absent and not voting:

Messrs.	Messrs.
Bilden	Hulteng

So the bill passed and the title was agreed to.

Senate Bill No. 41. A Bill for an Act Making an Appropriation for the North Dakota Soldiers' Home at Lisbon, North Dakota; Providing for Reports and Deductions, 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, 47; nays, 0; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Owings
Blaisdell	Kamrath	Skarvold
Brostuen	Kolpin	Strehlow
Cain	Kroeber	Streibel
Coffey	Lavik	Stucke
Crandall	Lemke	Thatcher
Drew	Lian	Thorson
Ettestad	Lowe	Topp
Fine	Lynn	Trout
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young
Guthrie	Olson	

Absent and not voting:

Messrs.	Messrs.
Bilden	Hulteng

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

Senator Fowler requested that the Senate return to the Ninth Order of Business.

Which request was granted.

#### FIRST READING OF SENATE BILLS

Senator Drew introduced:

Senate Bill No. 67. A Bill for an Act Exempting from any Tax Upon the Sale of Personal Property, Sales of Equipment, Medicine, Drugs or Building Materials or Supplies to Institutions of Public Charity, Including Public Hospitals Under Control of Religious or Charitable Societies, Although Contract or Agreement to Purchase Such Property was Previously Entered Into; and Declaring an Emergency.

Was read the first time and referred to the Committee on Taxes and Tax Laws.

The Committee on Women's and Childrens Welfare introduced:

Senate Bill No. 68. A Bill for an Act in Relation to Public Welfare and Social Security; to Provide for Public Aid to Dependent Children, and Prescribing the Duties of the State Public Welfare Board and the County Welfare Boards in the Administration Thereof, and Declaring an Emergency, and Repealing Chapter 165 of the Laws of 1925, Sections 2546a1 to 2546a10, Inclusive, of the 1925 Supplement to the 1913 Compiled Laws of North Dakota.

Was read the first time and referred to the Committee on Women's and Children's Welfare.

Senator Kroeber requested that the Senate return to 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. 21. A Bill for An Act to Provide that Judgments not Renewed Within Ten Years From Date of Docketing shall be Discharged and Satisfied of Record.

Also,

Senate Bill No. 5. A Bill for an Act Making an Appropriation for the Inspection and Eradication of Bee Diseases, Under the Provisions of Sections 2790a1-2790a18 of the Supplement to the 1913 Compiled Laws of North Dakota.

Also,

Senate Bill No. 35. A Bill for an Act Making an Appro-



priation for the Purpose of Paying Premiums on Bonds of State Officials as Provided by Section 663a1 of the Supplement to the 1913 Compiled Laws of North Dakota.

And find the same correctly engrossed.

WILLIAM KROEBER,  
Chairman.

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

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
January 21, 1937.

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

#### JOINT RESOLUTION "H"

Which the House has adopted.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
January 21, 1937.

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

Senate Bill No. 5. A Bill for an Act Making an Appropriation for the Inspection and Eradication of Bee Diseases, Under the Provisions of Sections 2790a1-2790a18 of the Supplement to the 1913 Compiled Laws of North Dakota.

Senate Bill No. 35. A Bill for an Act Making an Appropriation for the Purpose of Paying Premiums on Bonds of State Officials as Provided by Section 663a1 of the Supplement to the 1913 Compiled Laws of North Dakota.

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

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 21. A Bill for An Act to Provide that Judgments not Renewed Within Ten Years From Date of Docketing shall be Discharged and Satisfied of Record.

Was read the second time.

Senator Cain moved that Senate Bill No. 21 be amended as follows:

In line 8 of Section 1 of the engrossed bill, following the figures "1913" insert the following: "and Sections".

Which motion prevailed.

Senator Cain moved that Senate Bill No. 21 be further amended as follows:

After the word "record" in the title, strike out the period and insert "and repealing all acts and parts of acts in conflict herewith and declaring an emergency."

Which motion prevailed.

Senator Cain moved that the rules be suspended and Senate Bill No. 21 be considered properly re-engrossed and placed upon second reading and final passage as amended.

Which motion prevailed.

#### ROLL CALL

The question being on the final passage of Senate Bill No. 21, as amended, the roll was called and there were ayes, 46; nays, 0; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Olson
Blaisdell	Kamrath	Owings
Brostuen	Kolpin	Skarvold
Cain	Kroeber	Strehlow
Coffey	Lavik	Streibel
Crandall	Lemke	Stucke
Drew	Lian	Thatcher
Ettestad	Lowe	Thorson
Fine	Lynn	Topp
Fowler	Magoffin	Trout
Fredrickson	McGillic	Vinje
Gilbertson	Morrison	Watt
Greene	Mutchler	Whelan
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young
Guthrie		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Hulteng	Williams

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

Senator Nelson of Grand Forks requested that the Senate return to the 6th order of business, which request was granted.

Senator Nelson, chairman of the committee appointed to confer with a committee from the House relative to joint ses-

sion and appropriate ceremonies for the unveiling of the painting presented to the state by Mr. G. I. Gullickson of Grand Forks, reported that the committee had met and arranged that such joint session be held tomorrow at 3:00 o'clock p. m., in the Senate Chamber.

Senator Fine moved that the Senate do now adjourn.

Which motion prevailed.

The Senate stood adjourned.

#### COURTESIES OF THE FLOOR

The courtesies of the floor were extended to:

Mrs. L. M. Rockne, Marjorie Wisch, Mohall; Bernice Britton Fleckten, Kenmare; Thomas M. Morrissey, Donnybrook; Mrs. A. W. Fowler, Fargo; Mrs. Wm. J. Lowe, Kenmare.

THOMAS McDONALD,  
Secretary.

## EIGHTEENTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
January 22, 1937.

The Senate convened at 2:00 p. m., pursuant to adjournment, the President pro tem presiding.

Prayer by the Chaplain, Rev. Wm. A. Lemke, Bismarck.

Roll Call: All members present except Senators Bilden and Hulteng.

Senator Nelson of Grand Forks moved that the absent Senators be excused.

Which motion prevailed.

## MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
January 22, 1937.

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

Senate Bill No. 27. A Bill for an Act Making it Unlawful for the Governor or any Officer of the State, or any Manager or Executive Head or Other Person Directly or Indirectly Employed by any Department, Bureau, Commission or Industry of This State, or any Member of any State Board, to Appoint any Member of the Legislative Assembly to any Civil Office or any Civil Employment During the Term for Which Said Member Shall Have Been Elected; Making it Unlawful for any Member of Said Legislative Assembly to Accept Such Employment; Providing a Penalty, and Declaring an Emergency.

Also,

Senate Bill No. 33. A Bill for an Act Making an Appropriation to Provide a State Contingency Fund to Be Placed at the Disposal of the State Emergency Commission to Be

Used as Provided by Sections 283c1 to 283c6, Inclusive, and Section 283c10 of the Supplement to the Compiled Laws of 1913.

Also,

Senate Bill No. 41. A Bill for an Act Making an Appropriation for the North Dakota Soldiers' Home at Lisbon, North Dakota; Providing for Reports and Deductions, and Declaring an Emergency.

Also,

Senate Bill No. 48. A Bill for an Act to Amend and Re-enact Section 1164 of the Compiled Laws of the State of North Dakota for 1913, Pertaining to the Duties of the Clerks of Common School Districts.

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

Very respectfully,

THOMAS McDONALD,  
Secretary,

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 Seventeenth day and find the same to be correct.

C. C. MORRISON,  
Chairman.

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

#### REPORTS OF STANDING COMMITTEES

The Committee on Temperance made the following report:

Mr. President: Your Committee on Temperance to whom was referred:

Senate Bill No. 28. A Bill for an Act to Amend and Re-enact Section 8 of Chapter 97 of the Session Laws of 1935, Relating to the Delegation of Power to Incorporated Cities and Villages and Board of County Commissioners with Reference to Beer Licenses, Providing for Hours of Closing and Providing for Penalty of Violations of Act.

Have had the same under consideration and recommend that the same be indefinitely postponed.

OLE ETTESTAD,  
Chairman.

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

Senator Gilbertson moved that the vote by which Senate Bill No. 28 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
January 22, 1937.

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

House Bill No. 4. A Bill for an Act Making an Appropriation for the Care of Insane Patients Whose Residence Cannot be Determined and Whose Care Must be Borne by the State.

Also,

House Bill No. 5. A Bill for an Act Making an Appropriation to Pay Expenses of Erecting Headstones Over the Graves of Soldiers, Sailors and Marines of the United States War of the Rebellion.

Also,

House Bill No. 6. A Bill for an Act Making an Appropriation to Pay the Burial Expenses of Inmates of the Penitentiary and State Training School as Prescribed by Section 11302 of the Supplement to the 1913 Compiled Laws of North Dakota.

Also,

House Bill No. 10. A Bill for an Act Making an Appropriation for the Purpose of Paying Insurance Tax to the Various Fire Departments of the State, in Compliance With the Provisions of Sections 3993 to 3998, Inclusive, of the Compiled Laws of 1913.

Also,

House Bill No. 11. A Bill for an Act Making an Appropriation for Acquiring and Maintaining State Parks as Provided for in Chapter 216, Session Laws of 1935.

Also,

House Bill No. 13. A Bill for an Act to Amend and Re-enact Section 4547 of the Compiled Laws of North Dakota for the Year 1913.

Which the house has passed and your favorable consideration is respectfully recommended.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

## REPORT OF STANDING COMMITTEES

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred:

Senate Bill No. 40. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the State Seed Department.

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

B. W. LEMKE,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred:

Senate Bill No. 51. A Bill for an Act to Amend and Re-enact Section 3181 of the Compiled Laws of North Dakota for 1913 and Section 3185 of the Supplement of the 1913 Compiled Laws of North Dakota.

Have had the same under consideration and recommend that the same be amended as follows:

In lines 1 and 3, of the title of the engrossed bill, correct spelling of word "Compiled".

In line 3, of the title of the engrossed bill, strike out the words and figures "of the 1913" and insert in lieu thereof the words "to the". In same line, strike out the words "North Dakota" and insert in lieu thereof the figures "1913".

In line 1 of Section 2 of the engrossed bill strike out the figures "1913".

In line 2 of Section 2 of the engrossed bill following the word "Laws" insert the word and figures "of 1913".

In line 1 of Section 1, line 2 of Section 2, and line 8 of Section 3185 of the engrossed bill, correct spelling of word "Compiled."

And when so amended recommend that the same do pass.

B. W. LEMKE,  
Chairman.

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

The Committee on State Affairs made the following report:

Mr. President: Your Committee on State Affairs to whom was referred:

Senate Bill No. 50. A Bill for an Act to Repeal Section 10185b of the Supplement to the 1913 Compiled Laws of North Dakota Relating to Prohibiting Smoking in Specified Places, and the Penalties.

Have had the same under consideration and recommend that the same be amended as follows:

In the second line of the title in the original bill, strike out the figures "1913" and the words "North Dakota," and insert in lieu thereof the figures "1913" after the word "of" and followed with a comma.

In the third line place a period after the word "places" and strike out the words "and the penalties".

In Section 1, line 1, strike out the word "of" and insert in lieu thereof the word "to."

Strike out the figures "1913" and in line 2 strike out the words "North Dakota," and insert after the word "of" the figures "1913" and follow it by a comma.

In line 2 of the title, correct the spelling of the word "compiled". Do likewise in line 2 of the body of the bill.

And when so amended recommend that same do pass.

G. F. DREW,  
Chairman.

Senator Drew 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 bills:

Senate Bill No. 43. A Bill for an Act Making an Appropriation for the Purpose of Maintaining a State Employment Service, as Provided for Under Chapter 161, Session Laws of 1935.

Also,

Senate Bill No. 21. A Bill for An Act to Provide that Judgments not Renewed Within Ten Years From Date of Docketing Shall Be Discharged and Satisfied of Record, Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Also,

Senate Bill No. 10. A Bill for an Act Making an Appro-



priation for the Purpose of Carrying Out the Provisions of Sections 1471b1 to 1471b9 and 1471c1 to 1471c8 of the Supplement to the Compiled Laws of 1913.

And find the same correctly engrossed.

WILLIAM KROEBER,  
Chairman.

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

Senator Whelan presented Senate Resolution "E."

Information relative to the sale and transfer of state bonds.

Senator Whelan moved the adoption of Senate Resolution "E," which motion prevailed and the resolution was adopted.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
January 22, 1937.

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

#### HOUSE CONCURRENT RESOLUTION "I"

Which the House has adopted and your favorable consideration is respectfully recommended.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### FIRST READING OF SENATE BILLS

Senator Blaisdell introduced:

Senate Bill No. 69. A Bill for an Act Providing for the Qualifications of City Aldermen.

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

The Committee on Taxes and Tax Laws introduced:

Senate Bill No. 70. A Bill for an Act Providing for and Relating to the Taxation of Income of Individuals, Fiduciaries and Corporations; Prescribing the Rates Which Shall Be Paid with Respect to Net Income as Defined in Article 35 of Chapter 34 of Political Code of the Supplement to the Compiled Laws of 1913 and Acts Amendatory Thereof; Providing When Losses May Be Deducted; Providing for Exemptions and Credit Upon Tax; Providing for Date of Effect and to Amend and Re-enact Section 2346a25 of the Supplement to the Compiled Laws of 1913; Providing for the Repeal of Paragraph (b) of Sub-section 4 of Section 6 of Chapter 283 of the 1931 Session Laws and All Other Acts or Parts of Acts in Conflict Herewith.

Was read the first time and referred to the Committee on Taxes and Tax Laws.

The Committee on Taxes and Tax Laws introduced:

Senate Bill No. 71. A Bill for an Act Making an Appropriation to Pay the Salary, Travel Expense and Miscellaneous Items of the State Transportation Officer.

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

Senator Olson introduced:

Senate Bill No. 72. A Bill for an Act Relating to the Foreclosure of Real Estate Mortgages and Land Contracts, Providing What the Judgment and Decree Shall Contain, and Prohibit any Deficiency Judgments.

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

The Committee on Appropriations introduced:

Senate Bill No. 73. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, New Building, Equipment and Miscellaneous Items for the Grafton State School at Grafton, North Dakota.

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

The Committee on Appropriations introduced:

Senate Bill No. 74. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Training School, Mandan, North Dakota.

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

The Committee on Appropriations introduced:

Senate Bill No. 75. A Bill for an Act Making an Additional Appropriation to Care for the Operating Expenses of the 1935-1937 Biennium of the State Training School, Mandan, North Dakota, and Declaring an Emergency.

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

The Committee on Appropriations introduced:

Senate Bill No. 76. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the State Highway Department.

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

The Committee on Appropriations introduced:

Senate Bill No. 77. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the Workmen's Compensation Bureau.

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

The Committee on Appropriations introduced:

Senate Bill No. 78. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the Game and Fish Department.

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

The Committee on Taxes and Tax Laws introduced:

Senate Bill No. 79. A Bill for an Act Providing for the Regulation, Supervision and Control of the Transportation of Persons and Property by Motor Vehicles Upon the Public Highways of This State, and Prescribing Compensation to Be Paid for the Unusual Use of Such Highways, and Providing for the Disposition of Funds Derived Hereunder, and Providing for the Administration Hereof, and Repealing All Acts in Conflict Herewith.

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

The Committee on Taxes and Tax Laws introduced:

Senate Bill No. 80. A Bill for an Act to Equalize Taxation and Replace in Part the Tax on Property; to Provide the Public Revenue to Be Used by Such Replacement by Imposing a Tax on the Gross Receipts From Retail Sales as Defined Herein; to Provide for the Collection of Such Tax, the Distribution and Use of the Revenue Derived Therefrom, and the Administration of Said Law; to Provide for Certain Deductions and Exemptions; Establishing a Lien for the Payment of Such Tax; to Fix Fines and Penalties for the Violation of the Provisions of This Act; to Repeal all Laws or Parts of Laws in Conflict Herewith and Declaring an Emergency.

Was read the first time and referred to the Committee on Taxes and Tax Laws.

## SECOND READING OF SENATE BILLS

Senate Bill No. 17. A Bill for an Act Making an Appropriation for the Purpose of Paying Salaries, Clerkhire and General Expenses of the Division of Child Hygiene.

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, 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Olson
Blaisdell	Kamrath	Owings
Brostuen	Kolpin	Skarvold
Cain	Kroeber	Strehlow
Crandall	Lavik	Streibel
Drew	Lemke	Thatcher
Ettestad	Lowe	Thorson
Fine	Lynn	Topp
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young
Guthrie		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Hulteng	Stucke
Coffey	Lian	Trout

So the bill passed and the title was agreed to.

Senate Bill No. 37. A Bill for an Act Making an Appropriation for the Purpose of Refunding Money Erroneously Paid Into or Credited to the General Fund.

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, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Olson
Blaisdell	Kamrath	Owings
Brostuen	Kolpin	Skarvold
Cain	Kroeber	Strehlow
Crandall	Lavik	Streibel
Drew	Lemke	Thatcher
Ettestad	Lian	Thorson
Fine	Lowe	Topp
Fowler	Lynn	Vinje
Fredrickson	Magoffin	Watt
Gilbertson	McGillic	Whelan
Greene	Morrison	Williams
Gronvold	Mutchler	Wog
Guenther	Nelson, Barnes	Young
Guthrie	Nelson, Grand Fks.	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Hulteng	Trout
Coffey	Stucke	

So the bill passed and the title was agreed to.

Senate Bill No. 42. A Bill for an Act Making an Appropriation for the Use and Benefit of the North Dakota Firemen's Association in Promoting Regional Fire Schools, and Other Activities of Such Association, as Provided for Under Chapter 137, Session Laws of 1935.

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, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Olson
Blaisdell	Kamrath	Owings
Brostuen	Kolpin	Skarvold
Cain	Kroeber	Strehlow
Crandall	Lavik	Streibel
Drew	Lemke	Stucke
Ettestad	Lian	Thatcher
Fine	Lowe	Thorson
Fowler	Lynn	Topp
Fredrickson	Magoffin	Vinje
Gilbertson	McGillic	Watt
Greene	Morrison	Whelan
Gronvold	Mutchler	Williams
Guenther	Nelson, Barnes	Wog
Guthrie	Nelson, Grand Fks.	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Hulteng	Trout
Coffey		

So the bill passed and the title was agreed to.

Senate Bill No. 43. A Bill for an Act Making an Appropriation for the Purpose of Maintaining a State Employment Service, as Provided for Under Chapter 161, Session Laws of 1935.

Was read the second time.

Senator McGillic moved that Senate Bill No. 43 be held up for 10 days, pending action on the unemployment insurance bill.

Which motion prevailed.

Senator Owings moved that Senate Bill No. 43 be referred to the Appropriations Committee.

Which motion prevailed.

#### FIRST READING OF HOUSE BILLS

House Bill No. 4. A Bill for an Act Making an Appropriation for the Care of Insane Patients Whose Residence Cannot be Determined and Whose Care Must be Borne by the State.

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

House Bill No. 5. A Bill for an Act Making an Appropriation to Pay Expenses of Erecting Headstones Over the Graves of Soldiers, Sailors and Marines of the United States War of the Rebellion.

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

House Bill No. 6. A Bill for an Act Making an Appropriation to Pay the Burial Expenses of Inmates of the Penitentiary and State Training School as Prescribed by Section 11302 of the Supplement to the 1913 Compiled Laws of North Dakota.

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

House Bill No. 11. A Bill for an Act Making an Appropriation for Acquiring and Maintaining State Parks as Provided for in Chapter 216, Session Laws of 1935.

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

House Bill No. 13. A Bill for an Act to Amend and Re-enact Section 4547 of the Compiled Laws of North Dakota for the Year 1913.

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

House Bill No. 10. A Bill for an Act Making an Appropriation for the Purpose of Paying Insurance Tax to the Various Fire Departments of the State, in Compliance With the Provisions of Sections 3993 to 3998, Inclusive, of the Compiled Laws of 1913.

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

House Concurrent Resolution "I" was read.

Senator Brostuen moved that House Concurrent Resolution "I" be adopted, which motion prevailed, and the resolution was adopted.

MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
January 22, 1937.

Mr. Speaker: I have the honor to return herewith the following resolution:

HOUSE CONCURRENT RESOLUTION "I"

Which the Senate has passed unchanged.

Very respectfully,

THOMAS McDONALD.  
Secretary.

Senator Strehlow moved that the Senate do now recess, to reconvene at the close of joint session.

Which motion prevailed.

JOINT SESSION

The Joint session was called to order by Lieutenant-Governor Thoresen.

Senator N. N. Nelson moved that the Chair appoint a committee of three to escort the artist, G. I. Gullickson, to the rostrum. which motion prevailed. The Chair appointed on such committee: Senator Nelson of Grand Forks and Representatives Trydahl and Saumur.

Senator Kolpin moved that the Chair appoint a committee of three to escort Chief Justice Christianson to the rostrum, which motion prevailed. The Chair appointed on such committee: Senator Kolpin, Representatives Bjornson and Olson of Bowman.

Chief Justice Christianson and Mr. Gullickson were escorted to the rostrum by the committees appointed for that purpose.

The following program was given:

PROGRAM

- "America" - - - - - By Audience  
(Led by Representative Burgum)
- Vocal Solos - - - - - Margaret Narum
  - "Over the Steppe"—by Gretchaniuff
  - "Cradle Song"—by F. Melius Christianson  
Belle Mehus, accompanist
- Violin Solos - - - - - Ralph Truman
  - "Serenade"—by Schubert
  - "Berceuse," from "Jocelyn"—by Godard  
Belle Mehus, accompanist
- Introduction of Chief Justice Christianson - Lt.-Gov. Thoresen
- Presentation Speech on behalf of Mr. Gullickson -  
- - - - - Chief Justice A. M. Christianson

Unveiling of Painting - - - Audrey Waldschmidt  
 Acceptance - - - - - Lt.-Gov. Thoresen  
 Music - - Buglers of Bismarck American Legion Post

The Senate reconvened pursuant to recess taken.

Senator Strehlow moved that the Senate do now adjourn.

Which motion prevailed.

The Senate stood adjourned.

THOMAS McDONALD.  
 Secretary.



## NINETEENTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
January 23, 1937.

The Senate convened at 2:00 p. m., pursuant to adjournment, the President presiding.

Prayer by the Chaplain, Rev. Wm. A. Lemke, Bismarck.

Roll Call: All members present except Senators Coffey, Hulteng and Trout.

Senator Nelson of Grand Forks moved the absent Senators 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 Eighteenth day and recommend that the same be corrected as follows:

On page 178, following line 37, also following line 40, insert the following: "Belle Mehus, Accompanist".

And when so corrected recommend that the same be approved.

C. C. MORRISON,  
Chairman.

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

## MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
January 23, 1937.

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

Senate Bill No. 10. A Bill for an Act Making an Appro-

priation for the Purpose of Carrying Out the Provisions of Sections 1471b1 to 1471b9 and 1471c1 to 1471c8 of the Supplement to the Compiled Laws of 1913.

Also,

Senate Bill No. 11. A Bill for an Act Making an Appropriation for the Purpose of Paying a Bounty on Wolves and Coyotes as Provided for Under Sections 2645 to 2656, Inclusive, of the Supplement to the Compiled Laws of 1913 as Amended by Chapter 283, Session Laws of 1927, and as Amended by Chapter 9, Session Laws of 1933, and as Amended by Chapter 7, Session Laws of 1935; and Magpie Bounty as Provided for by Section 2656b1 to 2656b9, Inclusive, of the Supplement to the 1913 Compiled Laws of North Dakota; and Declaring an Emergency.

Also,

Senate Bill No. 21. A Bill for An Act to Provide that Judgments not Renewed Within Ten Years From Date of Docketing Shall Be Discharged and Satisfied of Record, Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Also,

Senate Bill No. 15. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the Department of Public Health.

Also,

Senate Bill No. 16. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the Public Health Laboratories.

Also,

Senate Bill No. 38. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire, Travel and General Expenses of the Office of Veterans' Service Commissioner as Prescribed by Chapter 281, Laws of 1927, and Chapter 74, Laws of 1929.

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

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
January 23, 1937.

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

House Bill No. 18. A Bill for an Act to Provide for the

Taxation of Drilling Rigs and All Other Equipment Used in Prospecting for Oil and Gas in the State of North Dakota.

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

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### PETITIONS AND COMMUNICATIONS

The following petitions and communications were received and read from the desk:

A proclamation by Governor Langer urging support of the President's Birthday Ball.

A communication from the Board of Administration submitted in response to inquiries as to action taken pursuant to Chapter 239, Session Laws of 1933, covering eliminations and retrenchments at state educational institutions.

Senator Watt moved that the communication from the Board of Administration be printed in the Journal, which motion prevailed.

To the Members of the Twenty-fifth Legislative Assembly, Bismarck, North Dakota:

Inquiry has been made by Representatives of the State Legislature now in session in regard to what the Board has done with Chapter 239 of the Session Laws of 1933. Frankly speaking, one of the hardest propositions that has come before the Board in the last five or six years is carrying out the dictates of the Chapter mentioned. You will notice in all catalogs issued by all State educational institutions the following:

#### "ACTION OF THE BOARD OF ADMINISTRATION PERTAINING TO ELIMINATIONS AND RETRENCHMENTS

(Included by order of the State Board of Administration)

The following eliminations and retrenchments are approved by the Board of Administration, and shall continue in force in all these institutions until modified or repealed by the Board:

At the Agricultural College, the teaching of Spanish has been discontinued. The summer school sessions have been suspended. The general work in Geology has been suspended, and only work required by courses in Soils is being given in this subject.

At the University, the study of Architecture has been discontinued, as the department maintained at the Agricultural College is adequate for the needs of the State. The work in Home Economics is restricted to service courses, and will not provide professional preparation for those who are equipping themselves for Smith-Hughes work or other lines of

professional endeavor in this field. The University recognizes the Agricultural College as having the properly equipped department for those who desire such professional preparation.

At the State School of Forestry, Music, Teacher Training, Home Economics, and Smith-Hughes Agriculture has been eliminated. These eliminations have left the school two years of professional work in forestry and greenhouse and the junior college work, including electives in Commerce.

The State School of Science was reduced to a trade school, with junior college and high school courses added, since its reorganization in 1922. At that time teacher training courses were eliminated; and training for the trades were introduced. By adopting this new plan, this school entered a field in which it would not duplicate the work of any other institution in the State.

For further elimination and restriction, the following requirements are approved:

(1) That no Teachers' College provide foreign language work in more than two languages, or increase the work in foreign languages beyond that actually given in the year 1933-34.

(2) That professional work in Journalism, and courses in Bookkeeping and Associated Practical Business be not given at the Agricultural College, and that the training of high school teachers at the Agricultural College be restricted to Smith-Hughes work and other phases of teaching Applied Sciences.

(3) That, beginning with the fall term of 1935, one year of college work shall be required as a prerequisite for taking the rural training course in a Teachers' College.

(4) That the Teachers' Colleges discontinue the so-called special courses, and restrict their offerings in Art, Music, Commerce, Home Economics, Industrial Arts and Physical Education to not more than thirty-six quarter hours; and in no case shall the amount of such work given be in excess of the amount given in the year 1933-34.

(5) That the courses in Home Economics given at the University shall be limited to service courses, and shall not aim to provide professional preparation or a major in that field of work.

(6) That giving courses for small groups shall be avoided as uneconomical. An enrollment of ten should be considered a minimum as far as practicable, especially for elective courses.

While the Departments of Engineering of the University and Agricultural College do provide for similar courses, the present demands of the State for such courses require their maintenance at both institutions at least for the present time. It would require considerable outlay for increased

quarters and equipment at either institution to meet the demand if such work were abandoned at the other."

Since the reorganization of the University and the Agricultural College as outlined above, the Board has revamped the course of study to be taught at the Normal and Industrial School at Ellendale, having its curriculum following more specifically the original intention of the school in being an industrial school and nothing else. Certain normal courses are taught there but are abridged as much as possible. The four year course has been discontinued.

The Normal Schools of the State have all followed the direction as given by the Board in its general direction to all educational institutions. In the minds of some there is duplication in the State Normal Schools, but there is no duplication there that can be eliminated and at the same time allow the school to accomplish the purpose for which it was established. In other words, exactly the same course is taught at all of the four principal Normal Schools as these schools are intended to train teachers to educate the young people of the State. The only object in the number of schools is in convenience to the people living in various portions of the State and the making of intensive training to each intended teacher possible.

There is mention made in several of the institutions in regard to pre-medical courses, pre-law courses, and pre-dentist courses, etc. The Board has attempted to keep these eliminated as much as possible, but they really mean but little because these courses are not taught except at the State University where a complete law course is taught and a two year medical course. The Junior College courses lay foundations for certain professions the students may desire to enter after they are through. These courses last two years. They do not directly take up the vocational part of these professions. In fact, the pre-medical, pre-law courses, etc., are more or less ornamental in the catalog.

The Board was very much in sympathy with the law passed by the 1933 Legislature and has attempted to carry out its wishes to the greatest possible degree. We had hoped that our efforts had been known and appreciated and are a little disappointed that a request should come from this Legislature for information along these lines, as the rules established and elimination of duplications effected have been published in all of the catalogs of the various State educational institutions and in the last biennial report of the Board of Administration.

We trust we have answered your inquiry, but if anything further is wanted we will be glad to prepare it for you.

BOARD OF ADMINISTRATION,

By J. D. HARRIS,  
Chairman.

By ERNEST G. WANNER,  
Executive Secretary.

SENATE COMMITTEE ON ENROLLMENT AND EN-  
GROSSMENT

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. 50. A Bill for an Act to Repeal Section 10185b of the Supplement to the 1913 Compiled Laws of North Dakota Relating to Prohibiting Smoking in Specified Places, and the Penalties.

Also,

Senate Bill No. 51. A Bill for an Act to Amend and Re-enact Section 3181 of the Compiled Laws of North Dakota for 1913 and Section 3185 of the Supplement of the 1913 Compiled Laws of North Dakota.

And find the same correctly engrossed.

WILLIAM KROEBER,  
Chairman.

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

REPORTS OF STANDING COMMITTEES

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred:

Senate Bill No. 39. A Bill for an Act Making an Appropriation for the Care of Feeble Minded Whose Residence Cannot Be Determined and Whose Care Must Be Borne by the State.

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

B. W. LEMKE,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred:

Senate Bill No. 64. A Bill for an Act Making an Appropriation to Provide for the Payment of a Deficit in the Appropriation for Printing Expense of the Twenty-fourth Session of the Legislative Assembly of the State of North Dakota, and Declaring an Emergency.

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

B. W. LEMKE,  
Chairman.

Senator Lemke 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 resolution:

JOINT MEMORIAL RESOLUTION "A"

And find the same correctly enrolled.

WILLIAM KROEBER,  
Chairman.

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

Senator Brostuen requested an extension of time on Senate Bill No. 13, which request was granted.

Senator Johnson moved that the proceedings of the Joint Session held on January 22nd be printed in the Journal, and inserted in the proper place in the Permanent Journal.

The motion was put. The Chair being in doubt, a rising vote was taken. The motion prevailed.

Senator Watt presented:

SENATE RESOLUTION "F"

"Information relative to Expenditure of Legislative Appropriations."

Which was read from the desk.

Senator Watt moved that the rules be suspended and that Senate Resolution "F" be adopted.

Which motion prevailed.

FIRST READING OF SENATE BILLS

The Committee on Appropriations introduced:

Senate Bill No. 81. A Bill for an Act Making an Appropriation for the Lutheran Welfare Society of North Dakota.

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

Senator Thorson introduced:

Senate Bill No. 82. A Bill for an Act Declaring the Law of the State of North Dakota With Reference to the Extent to Which Lands Used and Usable for Farming and Ranching Purposes in This State May Lawfully Be Charged With Tax Obligations, and Providing for an Over-all Limitation on the Tax Charges in Money Which May Lawfully Be Spread Against Such Lands, and Providing a Remedy for Past and Future Excessive Charges, Declaring an Emergency.

Was read the first time and referred to the Committee on Taxes and Tax Laws.

Senators Cain, Young and Thatcher introduced:

Senate Bill No. 83. A Bill for an Act Providing for Relief in Certain Cases During the Emergency Declared to Exist From Foreclosure of Mortgages or Other Liens on Real Estate, and Execution Sales of Real Estate, and Cancellation of Contracts for the Sale of Real Property, Eviction of Tenants from Real Estate, and for Postponing Certain Sales and Extending the Period of Redemption from Certain Sales, and Relating to the Jurisdiction and Procedure for Such Relief, and for the Right to Possession During the Extended Period, and Limiting the Right to Emergency Actions for Deficiency Judgment, and for Extending the Expiration of Certain Periods of Redemption to Thirty Days After the Passage of this Act; Repealing All Acts Inconsistent Herewith and Declaring an Emergency.

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

Senator Brostuen (by request) introduced:

Senate Bill No. 84. A Bill for an Act to Amend and Re-enact Section 8247a21 of the 1925 Supplement to the Compiled Laws, North Dakota, 1913, Relating to Lien of Assessments in Irrigation Districts, Giving the Same Equality as Liens with General Taxes and Sale Thereof, Repealing All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Was read the first time and referred to the Committee on Taxes and Tax Laws.

Senator Strehlow introduced:

Senate Bill No. 85. A Bill for an Act to Amend Chapter 94 of the Laws of 1935, Relating to Loans and Investments Under the National Housing Act so as to Make Mortgages Insured and Debentures Issued by the Federal Housing Administrator Eligible for Deposit; and for Clarification Purposes.

Was read the first time and referred to the Committee on Banks and Banking.

Senators Crandall and Green introduced:

Senate Bill No. 86. A Bill for an Act Providing for the Extermination of Bots in Horses and Mules; Defining Bot



Treatment; Prescribing the Duties of Township Boards When Petitioned.

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

### SECOND READING OF SENATE BILLS

Senate Bill No. 40. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the State Seed Department.

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, 33; nays, 12; absent and not voting, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Johnson	Owings
Blaisdell	Lavik	Strehlow
Brostuen	Lemke	Streibel
Cain	Lian	Stucke
Crandall	Lowe	Thatcher
Drew	Lynn	Thorson
Fowler	Magoffin	Topp
Fredrickson	McGillic	Vinje
Gronvold	Morrison	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Nelson, Barnes
Ettestad	Kolpin	Skarvold
Fine	Kroeber	Watt
Greene	Mutchler	Whelan

Absent and not voting:

Messrs.	Messrs.	Messrs.
Coffey	Hulteng	Trout
Gilbertson		

So the bill passed and the title was agreed to.

Senator Watt explained his vote as follows:

Senator Watt: "I am going to vote 'no' on this bill and I want to explain my vote. As I said before I don't disapprove of this department, but I am doing this for a purpose. I think the time has come that when any department of our state government is receiving fees in addition to their appropriation, the department should so state in their appropriation bill. I am voting 'no' on this bill to focus attention on that fact, not because I am against the bill."

Senate Bill No. 50. A Bill for an Act to Repeal Section 10185b of the Supplement to the 1913 Compiled Laws of North Dakota Relating to Prohibiting Smoking in Specified Places, and the Penalties.

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, 31; nays, 14; absent and not voting, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Owings
Blaisdell	Kroeber	Skarvold
Brostuen	Lavik	Strehlow
Cain	Lian	Streibel
Crandall	Lowe	Stucke
Ettestad	Lynn	Vinje
Fine	Magoffin	Whelan
Fowler	McGillic	Williams
Fredrickson	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young
Guthrie		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Bilden	Kolpin	Thatcher
Drew	Lenke	Thorson
Greene	Morrison	Topp
Gronvold	Mutchler	Watt
Kamrath	Olson	

Absent and not voting:

Messrs.	Messrs.
Coffey	Hulteng
Gilbertson	Trout

So the bill passed and the title was agreed to.

Senate Bill No. 51. A Bill for an Act to Amend and Re-enact Section 3181 of the Compiled Laws of North Dakota for 1913 and Section 3185 of the Supplement of the 1913 Compiled Laws of North Dakota.

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, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Olson
Bilden	Kamrath	Owings

Messrs.	Messrs.	Messrs.
Blaisdell	Kolpin	Skarvold
Brostuen	Kroeber	Strehlow
Cain	Lavik	Streibel
Crandall	Lemke	Stucke
Drew	Lian	Thatcher
Ettestad	Lowe	Thorson
Fine	Lynn	Topp
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Watt
Greene	Morrison	Whelan
Gronvold	Mutchler	Williams
Guenther	Nelson, Barnes	Wog
Guthrie	Nelson, Grand Fks.	Young

Absent and not voting:

Messrs.	Messrs.
Coffey	Hulteng
Gilbertson	Trout

So the bill passed and the title was agreed to.

#### FIRST READING OF HOUSE BILLS

House Bill No. 18. A Bill for an Act to Provide for the Taxation of Drilling Rigs and All Other Equipment Used in Prospecting for Oil and Gas in the State of North Dakota.

Was read the first time and referred to the Committee on Taxes and Tax Laws.

The Secretary announced that the President was about to sign Joint Memorial Resolution "A," and the President signed the same in the presence of the Senate.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
January 23, 1937.

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

#### JOINT MEMORIAL RESOLUTION "A"

Which the President has signed and your signature is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senator Fine moved that the Senate do now adjourn.

Which motion prevailed.

The Senate stood adjourned.

#### COURTESIES OF THE FLOOR

The courtesies of the floor were extended to:

Miss Flora Morrison, Mrs. Gerald Movius, Fargo.

THOMAS McDONALD,  
Secretary.

## TWENTY-FIRST DAY

Senate Chamber,  
Bismarck, North Dakota,  
January, 25, 1937.

The Senate convened at 2:00 p. m., pursuant to adjournment, the President presiding.

Prayer by the Chaplain, Rev. N. E. Ellsworth, Bismarck.

Roll Call: All members present except Senators Hulteng and Mutchler.

Senator Nelson of Grand Forks moved the absent Senators 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 Nineteenth day and find the same to be correct, and recommend that it be approved.

C. C. MORRISON,  
Chairman.

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

## MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
January, 25, 1937.

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

Senate Bill No. 17. A Bill for an Act Making an Appropriation for the Purpose of Paying Salaries, Clerkhire and General Expenses of the Division of Child Hygiene.

Also,

Senate Bill No. 37. A Bill for an Act Making an Appropriation for the Purpose of Refunding Money Erroneously Paid Into or Credited to the General Fund.

Also,

Senate Bill No. 42. A Bill for an Act Making an Appropriation for the Use and Benefit of the North Dakota Firemen's Association in Promoting Regional Fire Schools, and Other Activities of Such Association, as Provided for Under Chapter 137, Session Laws of 1935.

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

Very respectfully,

THOMAS McDONALD,  
Secretary.

MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
January, 25, 1937.

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

House Bill No. 3. A Bill for an Act Making an Appropriation for the Purpose of Paying Clerkhire and Miscellaneous General Expenses of the North Dakota Procurement Officer, as Provided by Chapter 219, Session Laws of 1935.

Also,

House Bill No. 14. A Bill for an Act to Conserve the Natural Gas and Oil Resources of the State of North Dakota, to Prevent Waste through Negligent Methods of Operation, and to Provide for the Prescribing and Enforcing of Rules and Regulations Governing the Drilling, Casing and Abandonment of Oil and Gas Wells and the Waste of Oil and Gas, and Providing a Penalty for the Violation Thereof.

Also,

House Concurrent Resolution "F".

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

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
January, 25, 1937.

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

## JOINT MEMORIAL RESOLUTION "A"

Which the Speaker has signed.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

## PETITIONS AND COMMUNICATIONS

The following petitions and communications were received, read from the desk, and referred to the appropriate committees:

A petition signed by 38 citizens and voters of North Dakota requesting change in game laws to protect the red fox.

A petition from Edna Local No. 677 of the Farmers Union urging continuation of high school correspondence courses; also a petition favoring a cooperative study course in schools.

A petition signed by Aubrey Floyd, Aaron Johnson and 166 others, of Antler, N. D., urging that a strong appeal be made to get an increase in pensions for the needy old people of the state.

A resolution adopted by the Board of County Commissioners of Sargent County petitioning the legislature to enact such law as would transfer cost of maintaining indigent patients to the state.

Eight resolutions adopted by the County Commissioners' Association of North Dakota as follows: Urging the transfer to state of maintenance of indigent patients at state institutions; asking state officials and departments to refrain from any act of non-compliance with agreement with U. S. Bureau of Public Roads which might cause that Bureau to rescind, withhold or deny \$4,000,000 Federal Grant to North Dakota for reconstruction work the coming year; asking amendment of Chapter 172 to permit refund of gas tax to counties owning and operating their own road equipment; urging legislation to permit counties the same power and right to acquire and secure clay, gravel and other road materials as is now possessed by the State Highway Department; urging Congress to make a liberal appropriation to combat grasshopper infestation, and suggesting that each state should determine insecticide to be used, through a body provided by the legislature or through the various county commissioners; asking that no change be made in the automobile license fee; opposing the five year period as a basis for determining normal yields in figuring crop insurance, and recommending a fifteen year period in its place; recommending that the legislature take the necessary steps to divert the Bottineau transient camp into a tuberculosis sanitarium.

Senator Young moved that the eight resolutions presented by the County Commissioners' Association be printed in the journal. The question was put. Division demanded and granted. The motion was lost.

A communication from the Tax Survey Commission accompanied by itemized statement of expenditures, submitted in response to Senate Resolution "F", was read.

Senator Brostuen moved that the report of the Tax Survey Commission be printed in the Journal, which motion prevailed.

To Members of the Twenty-fifth Legislative Assembly of the State of North Dakota, Assembled in Bismarck:

Pursuant to Senate Resolution "F" presented January 23, 1937, by Senator Watt, the Tax Survey Commission is transmitting herewith the record of its disbursements from the special appropriation provided for its work by the Twenty-fourth Legislative Assembly.

The general policies pursued by the Commission in the expenditure of the funds provided for its work may be summarized as follows:

1. Each member of the Commission was allowed a per diem of \$6.00 while engaged in the work of the Commission.
2. Recognizing its financial limitations, the Commission agreed to charge only five cents per mile for travel by car. This policy was carried out whether one or six persons were transported. Insofar as possible the several members of the Commission arranged to travel together in as few cars as possible. Generally Mr. Larsen's car was so used.
3. In accordance with the chairman's ruling, when traveling or meeting for discussion of the Commission's work on Sundays, commission members were not paid a per diem.
4. Due to the shortage of funds with which to complete the Commission's assignment, the several members of the Commission were not paid their per diem nor reimbursed for their mileage and expenses for attending a final four-day meeting at Bismarck. One member, Mr. Sullivan, did not at any time turn in vouchers either for per diem or expenses.

The findings and recommendations of the Commission contained in the seven volumes dealing with the tax structure and situation in this state are now in your hands. If additional information is desired we shall be pleased to submit the same.

Respectfully submitted,

LEE NICHOLS,  
Secretary Tax Survey Commission.

EXPENDITURES FROM TAX SURVEY COMMISSION  
FUND

Original Appropriation.....\$15,000.00

Warrant Number	Date Paid	Items	Amt. Paid	Bal. Orig. Approp.
972872	4-16-35	R. R. Scholl, 85 miles, 2 days. (Attending Commission meeting, Bismarck)	\$ 21.05	\$14,978.95

Warrant Number	Date Paid	Items	Amt. Paid	Bal. Orig. Approp.
972871	4-16-35	H. O. Saxvik, 1 day. (Commission meeting) ..	6.00	14,972.95
974497	4-29-35	J. K. Brostuen, 466 miles, 3 days. Attending Commission meeting, Bismarck) ..	47.20	14,925.75
974498	4-29-36	John Canrad, 400 miles. (Per diem omitted—carried over to next meeting) ..	20.85	14,904.90
974918	5-1-35	W. J. Godwin, 683 miles, 5 days. (Acct. covers Bismarck and Grand Forks meetings) ..	73.50	14,831.40
975464	5-6-35	Lee Nichols, Secretary, 616 miles. (Grand Forks Commission meeting) ..	30.80	14,800.60
975465	5-6-35	Margaret O. Sheehan, Reporter. (Reporting Grand Forks meeting) ..	7.50	14,793.10
975463	5-6-35	R. R. Scholl, 92 miles, 3 days. (Grand Forks meeting) ..	29.30	14,763.80
975966	5-7-35	Wm. W. Felson, 792 miles, 6 days. (Bismarck and Grand Forks Commission meetings) ..	93.15	14,670.65
977975	5-20-35	John Conrad, 170 miles, 3 days. (Grand Forks meeting) ..	32.20	14,638.45
977976	5-20-35	State Supply Department. (Office supplies, pencils, notebooks, receipt books) ..	2.54	14,635.91
979236	5-27-35	Spencer A. Larsen, salary for May ..	300.00	14,335.91
979238	5-27-35	Margaret O. Sheehan, salary for May ..	150.00	14,185.91
979239	5-27-35	R. R. Scholl, 92 miles, 2 days (May 9th). (Commission meeting, Bismarck) ..	23.30	14,162.61
979240	5-27-35	Spencer A. Larsen, 580 miles. (Bismarck-Grand Forks). (Includes post-office box rental for Commission) ..	43.49	14,119.12
979241	5-27-35	John Conrad, 390 miles, 2 days. (Commission meeting at Bismarck, May 21-22) ..	35.49	14,083.63
979242	5-27-35	John K. Brostuen, 4 days, 466 miles. (Alexander to Bismarck, Commission meeting) ..	56.60	14,027.03



Warrant Number	Date Paid	Items	Amt. Paid	Bal. Orig. Approp.
979243	5-27-35	R. R. Scholl, 92 miles, 1 day, May 22nd, (Wash- burn to Bismarck and return) .....	11.95	14,015.08
979244	5-27-35	W. W. Felson, 610 miles, 4 days. (Cavalier to Bis- marck and return, Com- mission meeting, May 21-22) .....	62.70	13,952.38
979245	5-27-35	W. W. Felson, 653 miles, 3 days (Commission meeting, May 8th-9th) .....	56.15	13,896.23
979246	5-27-35	John K. Brostuen, 52 miles, railway fare, 4 days. (Grand Forks meeting) .....	46.98	13,849.25
979237	5-27-35	Margaret O. Sheehan, salary for April .....	30.00	13,819.25
979247	5-27-35	H. O. Saxvik, 9 days, stenographic services, mimeographing statis- tics .....	71.70	13,747.55
979248	5-27-35	John Conrad, 390 miles, 4 days, (Commission meeting, Bismarck, May 9th) .....	46.88	13,700.67
979249	5-27-35	Spencer A. Larsen, 290 miles, railway fare, (Grand Forks - Bis- marck) .....	42.26	13,658.41
980796	6-6-35	Postoffice Department, for stamped envelopes .....	16.44	13,641.97
982929	6-17-35	Minnesota Municipali- ties, League of, (publi- cation "Year Book") .....	1.50	13,640.47
982930	6-17-35	Subscription, "Minne- sota Municipalities" .....	5.00	13,635.47
982931	6-17-35	"Nat'l Industrial Con- ference Board" (publi- cations) .....	1.00	13,634.47
982932	6-17-35	Office Specialties, fold- ers, file labels, etc.) .....	4.44	13,630.03
982933	6-17-35	N. W. Bell Tel. Co. ....	10.35	13,619.68
982934	6-17-35	L. C. Smith Typewriter Company, (for new L. C. Smith) .....	111.54	13,508.14
982935	6-17-35	R. R. Scholl, 92 miles, 2 days. (C o m m i s s i o n m e e t i n g, B i s m a r c k, June 12-13) .....	22.30	13,485.84
982936	6-17-35	W. J. Godwin, 42 miles, 4 days. (Commission meeting, June 12-13) .....	29.47	13,456.37
982937	6-17-35	John K. Brostuen, 466 miles, 4 days .....	47.27	13,409.10

Warrant Number	Date Paid	Items	Amt. Paid	Bal. Orig. Approp.
982938	6-17-35	Spencer A. Larsen, 1020 miles, (to confer with heads of state institutions at Grafton, Bathgate, Minot; confer with Commissioner Felson at Cavalier) .....	96.54	13,312.56
983847	6-26-35	Spencer A. Larsen, salary for June .....	300.00	13,012.56
983848	6-26-35	Margaret O. Sheehan, salary for June .....	150.00	12,862.56
983849	6-26-35	Supply Department, general office supplies, paper, carbon, pencils, etc. ....	8.59	12,853.97
989721	7-18-35	Postoffice Department, stamped envelopes .....	32.88	12,821.09
989722	7-18-35	O. E. Anderson Lumber Company, material and labor—mounting large size N. D. map .....	1.53	12,819.56
989723	7-18-35	Office Specialties, file labels .....	.82	12,818.74
989724	7-18-35	Margaret O. Sheehan, salary for July .....	150.00	12,668.74
989725	7-18-35	N. W. Bell Telephone Co. (local and toll service— one month—moving phone) .....	7.28	12,661.46
989726	7-18-35	Spencer A. Larsen, 810 miles. (Accompanied by Commissioner Scholl— travel to Bottineau School of Forestry) (To Grand Forks and Fargo to supervise sales tax study and confer with educational institution presidents) .....	87.45	12,574.01
989727	7-18-35	R. R. Scholl, 2 days, to Bottineau School of Forestry .....	14.35	12,559.66
993392	7-26-35	Spencer A. Larsen, salary for July, 1935 .....	300.00	12,259.66
993582	7-26-35	Railway Express Agency, Inc. (Express charges on books borrowed from library) .....	.40	12,259.26
993583	7-26-35	State Supply Department (office supplies) ..	4.69	12,254.57
996549	8-6-35	Bismarck Tribune Company. (Stationery, printing letterheads) ..	37.11	12,217.46
996550	8-6-35	Office Specialties Company, 1 steel filing cabinet .....	38.53	12,178.93

Warrant Number	Date Paid	Items	Amt. Paid	Bal. Orig. Approp.
996551	8-6-35	—W. W. Felson, 620 miles, 2 days (Commission meeting, Bismarck, June 12) .....	55.45	12,123.48
999939	8-6-35	—R. R. Scholl, 92 miles, 2 days. (Commission meeting, Bismarck) .....	21.45	12,102.03
999940	8-20-35	—John Conrad, 780 miles, 4 days. (Commission meeting, Bismarck) .....	70.42	12,031.61
999941	8-20-35	—Wm. Godwin, 2 days, 28 miles. (Commission meeting, Bismarck) .....	15.71	12,015.90
999933	8-20-35	—Grand Forks Herald, 1 year subscription .....	5.00	12,010.90
999934	8-20-35	—Supt. of Public Documents, Washington, D. C., Publications, bulletins .....	1.50	12,009.40
999935	8-20-35	—University of Minnesota Press, (Taxation in Minnesota") .....	2.00	12,007.40
999936	8-20-35	—Fargo Forum, 1 year.....	6.00	12,001.40
999937	8-20-35	—W. W. Felson, 620 miles, 3 days. (Attending Commission meeting, Bismarck, Aug. 7th) .....	55.30	11,946.10
999938	8-20-35	—Spencer A. Larsen, expense—no mileage. (Visited Experiment Station with Commissioner Conrad, attend regional meeting of State Planning Board at Jamestown) .....	21.81	11,924.29
2261	8-27-35	—Lucille Bauer, salary for part of July .....	8.00	11,916.29
2262	8-27-35	—Lucille Bauer, salary for August, 1935 .....	20.00	11,896.29
2263	8-27-35	—Spencer A. Larsen, salary for August .....	300.00	11,596.29
2264	8-27-35	—League of Municipalities .....	5.00	11,591.29
2265	8-27-35	—Margaret O. Sheehan, salary, part of August..	75.00	11,516.29
2266	8-27-35	—Margaret O. Sheehan, salary, balance for August .....	75.00	11,441.29
2267	8-27-35	—State Supply Department, for regular office supplies .....	15.97	11,425.32
2268	8-27-35	—Spencer A. Larsen, 785 miles, (confer with officials at Agricultural College, Fargo, and University of North Dakota, Grand Forks)..	52.37	11,272.95

Warrant Number	Date Paid	Items	Amt. Paid	Bal. Orig. Approp.
2269	8-27-35	R. R. Scholl, 92 miles, 1 day. (Conference-sub- committee on education, Bismarck) .....	11.66	11,361.29
2883	8-28-35	Workmen's Compensa- tion Bureau .....	28.84	11,332.45
4650	9-7-35	Tax Policy League, Vol. 1 of "Taxbits," pamph- lets, and subscription, 1 year .....	6.35	11,326.10
4651	9-7-35	McMillan Publishing Company (Cy. of "Pub- lic Finance") .....	3.26	11,322.84
4652	9-7-35	National Tax Associa- tion, bulletins, copy of proceedings of Annual Conference and sub- scription, 1 year .....	10.00	11,312.84
4653	9-7-35	Supt. of Public Docu- ments, Washington, D. C. (Copy of "Wealth, Public Debt, and Tax- ation") .....	2.50	11,310.34
4654	9-7-35	Commercial Service, Inc. (rubber stamp) .....	1.05	11,309.29
4655	9-7-36	N. W. Bell Telephone Company, August bill, 1935 .....	5.83	11,303.46
4656	9-7-35	John K. Brostuen, 3 days, 466 miles. (At- tend meeting at Bis- marck) .....	49.30	11,254.16
4657	9-7-35	Spencer A. Larsen, to Dickinson, conference with Chairman of Plan- ning Board; to Alexan- der to confer with Chairman of Tax Sur- vey Commission; ac- companied by Mr. Sax- vik .....	30.00	11,224.16
4658	9-7-35	John Conrad, 390 miles, 2 days, meeting, August 26-27 .....	35.05	11,189.11
4659	9-7-35	R. R. Scholl, 92 miles, 2 days, meeting, August 26-27 .....	21.90	11,167.21
4660	9-7-35	W. J. Godwin, 2 days, 28 miles, meeting August 26-27 .....	15.63	11,151.58
7681	9-17-35	Central Lumber Co., (material for bookcase)	5.37	11,146.21
7682	9-17-35	State Supply Depart- ment, regular office supplies .....	7.65	11,138.56

Warrant Number	Date Paid	Items	Amt. Paid	Bal. Orig. Approp.
9215	9-21-35	—John K. Brostuen, 3 days, 800 miles. (Meeting with Planning Board at Grand Forks)	63.05	11,075.51
9517	9-26-35	—Lucille Bauer, salary, part time, September....	20.00	11,055.51
9518	9-26-35	—Margaret O. Sheehan, salary for Sept., 1935....	150.00	10,905.51
9519	9-26-35	—Spencer A. Larsen, to attend WPA conference re: statistical projects; to confer with school administrators .....	35.95	10,869.56
9520	9-26-35	—Wm. Felson, 319 miles, 2 days; to attend meeting of Commission at Bismarck, August 26-27. (Mileage charged only one way—Mr. Felson, attended County Auditors convention, same trip, one-half expense paid by fund provided for that purpose)	36.15	10,833.41
9516	9-26-35	—Spencer A. Larsen, salary for September .....	300.00	10,533.41
11575	10-7-35	—Spencer A. Larsen, travel, obtaining information in re: institutions of higher learning in northwest .....	270.85	10,262.56
12060	10-8-35	—N. W. Bell Tel. Co. (bill for September, 1935)....	12.91	10,249.65
12061	10-8-35	—Harris -Woodmansee, Bismarck, (Loose leaf account book not carried in state supply department, and paper for same) .....	5.46	10,244.19
12062	10-8-35	—N. W. Bell Tel. Co. (bill for August, 1935) .....	5.26	10,238.93
12064	10-8-35	—H. O. Saxvik, 16 days, travel to Dickinson to confer with Chairman, Planning Board; also covering attendance at meetings of commission from May 15th to August 27th, and Planning Board meeting at Grand Forks, Sept. 19th) .....	145.74	10,093.19
12065	10-8-35	—State Supply Department (office supplies)..	10.27	10,082.92
15594	10-16-35	—Western Union .....	1.35	10,081.57

Warrant Number	Date Paid	Items	Amt. Paid	Bal. Orig. Approp.
15595	10-16-35	Margaret Sheehan, Oct. 7-13th (expense, reporting hearings at educational institutions, Valely City, Ellendale, Wahpeton, Fargo, Grand Forks) .....	18.27	10,063.30
15596	10-16-35	John K. Brostuen, 466 miles, 7 days, (attending hearings at above educational institutions; also to Park River) (Agricultural High School) .....	87.06	9,976.24
15713	10-16-35	Wm. J. Godwin, 6 days, travel expense (hearings at educational institutions, same as above) .....	60.72	9,915.52
17829	10-28-35	Spencer A. Larsen, salary for October .....	300.00	9,615.52
17828	10-28-35	Margaret O. Sheehan, salary for October .....	150.00	9,465.52
17830	10-28-35	Lucille Bauer, \$17.00 }		
17831	10-28-35	Lucille Bauer, 3.00 } salary for October, part time .....	20.00	9,445.52
17832	10-28-35	Walter McMahan, brass platen (multi-copy) .....	8.67	9,436.85
17833	10-28-35	R. R. Scholl, 6 days, 92 miles (attending hearings at educational institutions, Oct. 7th to 12th) .....	59.26	9,377.59
17834	10-28-35	H. O. Saxvik, 4 days, expense (attending hearings at educational institutions) .....	42.99	9,334.60
17835	10-28-35	Spencer A. Larsen, travel, visiting institutions, attending hearings at same—accompanied by Commissioners Brostuen, Godwin, Scholl, Saxvik and Reporter) .....	67.71	9,266.89
20310	11-8-35	Supt. of Documents, Washington, D. C. .....	1.50	9,265.39
20311	11-8-35	American Book Company, Chicago .....	2.97	9,262.42
22059	11-16-35	Margaret O. Sheehan, salary, part of November .....	75.00	9,187.42
22060	11-16-35	W. W. Felson, 72 miles, 2 days, travel expense attending educational		

Warrant Number	Date Paid	Items	Amt. Paid	Bal. Orig. Approp.
		hearings, convention of county officials .....	55.18	9,132.24
22061	11-16-35	Spencer A. Larsen, Jamestown-Forbes, (accompanied by Commissioner Saxvik, to confer with Supt. of State Hospital, Senator Marshall, and others) .....	22.25	9,109.99
22062	11-16-35	State Supply Department, postage, second sheets, carbon, etc. ....	9.19	9,100.80
24515	11-27-35	Spencer A. Larsen, to Fargo, Minot, Bottineau and Park River—to confer with Horace Young in re: tax laws at Fargo; also President J. H. Shepperd of A. C. and other institutional heads. (Accompanied by Commissioners Brostuen, Godwin, Scholl and Saxvik, to Minot, Maddock) .....	46.46	9,054.34
24516	11-27-35	Brookings Institutions, Washington, copy of "America's Capacity to Consume" .....	2.55	9,051.79
24517	11-27-35	Lucille Bauer, salary, part time, November....	20.00	9,031.79
24818	11-27-35	Margaret O. Sheehan, salary, November .....	75.00	8,956.79
24519	11-27-35	Spencer A. Larsen, salary for November .....	300.00	8,656.79
24520	11-27-35	R. R. Scholl, 46 miles, 4 days, (to visit state educational institutions and confer with Commission members) .....	38.86	8,617.93
24521	11-27-35	John K. Brostuen, 5 days, 27 miles (to Williston, Minot, Rugby, Maddock, Bismarck, with other Commissioners as above stated) .....	47.99	8,569.94
27238	12-9-35	Wm. J. Godwin, \$5.40 }		
27239	12-9-35	Wm. J. Godwin, 41.96 }		
		(Attending conferences at educational institutions as above stated)..	47.36	8,522.58
29517	12-19-35	Roy E. Brown, State University, work on organization chart, etc. ....	25.00	8,497.58

Warrant Number	Date Paid	Items	Amt. Paid	Bal. Orig. Approp.
29518	12-19-35	One Volume "Functional Cost of Government" (Dr. J. M. Ashton, City of Oklahoma, Okla- homa) .....	5.00	8,492.58
29519	12-19-35	N. W. Bell Telephone Co., (Nov. and Dec. billing) .....	12.37	8,480.21
29520	12-19-35	Margaret O. Sheehan, salary for December.....	150.00	8,330.21
29521	12-19-35	Lucille Bauer, salary, part time, December.....	20.00	8,310.21
29522	12-19-35	Spencer A. Larsen, sal- ary for December .....	300.00	8,010.21
29523	12-19-35	State Supply Depart- ment, office supplies ....	9.49	8,000.72
31008	12-27-35	W. W. Felson, 6 days, commission meeting at Bismarck, Dec. 3-4, and sub-committee meeting, 5th and 6th, 660 miles..	85.96	7,914.76
31009	12-27-35	John Conrad, 5 days, 560 miles, attending Commission meetings, Bismarck, Dec. 3-4-5-6, and mileage of Sept. 5, Erie to Grand Forks.....	80.59	7,834.17
31010	12-27-35	R. R. Scholl, 3 days, 92 miles, attending Com- mission meeting, Bis- marck, Dec. 3-4-5 .....	32.55	7,801.62
30919	12-27-35	H. O. Saxvik, 9 days, from Oct. 25th to Dec. 9th, including commis- sion meetings, trip to educational institutions, etc. ....	67.63	7,733.99
31571	12-30-35	John K. Brostuen, 6 days, (from Nov. 22nd to Dec. 7th, covering Commission meetings, Dec. 3-4-5-6, and sub- committee meeting) ....	91.16	7,642.83
32266	1-7-36	League of Minnesota Municipalities .....	2.50	7,640.33
32267	1-7-36	To State Planning Board (copy of report) .....	1.00	7,639.33
32268	1-7-36	Margaret O. Sheehan, salary, January .....	75.00	7,564.33
32269	1-7-36	N. W. Bell Tel. Co.....	13.44	7,550.89
32270	1-7-36	State Supply Depart- ment, regular office supplies .....	10.54	7,540.35
34115	1-16-36	Wisconsin Taxpayers Alliance (subscription		



Warrant Number	Date Paid	Items	Amt. Paid	Bal. Orig. Approp.
		to "The Wisconsin Taxpayer") .....	1.00	7,539.35
34116	1-16-36	—University of Minnesota Press (copy of "Fees and Non-tax Revenues") .....	1.00	7,538.35
34117	1-16-36	—Bismarck Tribune .....	1.00	7,537.35
35528	1-21-36	—Horace Young, Attorney (legal services dealing with tax laws)..	300.00	7,237.35
35967	1-28-36	—The McMillian Company, Publishers, "Municipal Administration" and "Principles of Economics" .....	9.25	7,228.10
35968	1-28-36	—Spencer A. Larsen, salary for January, 1936..	300.00	6,928.10
35969	1-28-36	—Margaret O. Sheehan, \$40.00 }		
35970	1-28-36	35.00 } salary, Jan.....	75.00	6,853.10
35971	1-28-36	—Lucille Bauer, salary, part time, Jan., 1936....	20.00	6,833.10
35972	1-28-36	—Municipal Finance Officers Association, "Tax Collection Procedure" and other pamphlets ....	1.25	6,831.85
38087	2-6-36	—Bismarck Tribune, gray cover paper for reports	16.07	6,815.78
38088	2-6-36	—Spencer A. Larsen, to Minot to attend Annual County Commissioner's Convention; to Grand Forks to meet with Commission members and to direct work on common school educational project .....	35.92	6,779.86
39535	2-18-36	—Harper Brothers Pub. Co., ("Taxation Issues")	1.00	6,778.86
39536	2-18-36	—Postoffice Department, stamped envelopes .....	32.88	6,745.98
39537	2-18-36	—N. W. Bell Tel. Co.....	5.51	6,740.47
39538	2-18-36	—State Supply Department, office supplies....	12.52	6,727.95
39539	2-18-36	—W. W. Felson, 2 days, (to Grand Forks to attend conference) .....	25.32	6,702.63
40316	2-25-36	—Margaret O. Sheehan, salary for February ....	150.00	6,552.63
40317	2-25-36	—Spencer A. Larsen, Feb. salary .....	300.00	6,252.63
40318	2-25-36	—Lucille M. Bauer, Feb. salary, part time .....	20.00	6,232.63
42636	3-7-36	—R. R. Scholl, 2 days, attending Commission		

Warrant Number	Date Paid	Items	Amt. Paid	Bal. Orig. Approp.
		meeting, February 21st, 92 miles .....	22.00	6,210.63
42637	3-7-36	—W. W. Felsen, 5 days, attending Commission meeting at Bismarck, February 21, 1936 .....	63.43	6,147.20
44215	3-17-36	—Margaret O. Sheehan, salary, March .....	75.00	6,072.20
44216	3-17-36	—N. W. Bell Tel. Co. (March phone service) ..	8.46	6,063.74
44217	3-17-36	—Amer. Accounting As- sociation, (1 copy of "Accounting Review") ..	1.00	6,062.74
44218	3-17-36	—National Tax Associa- tion (8 copies of "Plan for Model System of Taxation") ..	2.00	6,060.74
44219	3-17-36	—McMahon Typewriter Company (ribbons for typewriter), (purchased by Project) ..	1.02	6,059.72
44220	3-17-36	—State Supply Depart- ment ..	19.00	6,040.72
44221	3-17-36	—John K. Brostuen, 4 days, Conference at Commission offices, Bis- marck, March 3, 4, 5, 1936 ..	27.06	6,013.66
45595	3-26-36	—Lucille M. Bauer, March salary, part time .....	20.00	5,993.66
45596	3-26-36	—Spencer A. Larsen, sal- for March ..	300.00	5,693.66
45597	3-26-36	—Ohio Governmental Sur- vey, report consisting of 29 pamphlets ..	2.35	5,691.31
46209	3-28-36	—Margaret O. Sheehan, salary ..	75.00	5,616.31
47906	4-7-37	—O. C. Asplund, Drafts- man, services, prepar- ing organization chart of State Government ..	20.00	5,596.31
47907	4-7-36	—H. O. Saxvik, travel, Jan. 9 to March 28, 12 days (Grand Forks and Bismarck) ..	87.21	5,509.10
47908	4-7-36	—Frederick Weltzin, travel, attending Edu- cation Commission meeting (Bismarck) ..	16.30	5,492.80
47953	4-7-36	—W. W. Felson, 5 days, (Bismarck Commission meeting) ..	64.97	5,427.83
48180	4-8-36	—R. R. Scholl, per diem, 3 days, 92 miles, (Com. meeting, Bismarck) ..	43.69	5,384.14

Warrant Number	Date Paid	Items	Amt. Paid	Bal. Orig. Approp.
49820	4-19-36	Alyce G. Amundson, services, compiling statistics .....	15.00	5,369.14
52279	4-21-36	John K. Brostuen, 6 days, 486 miles (Bismarck Com. meeting)	74.27	5,294.87
52911	4-25-36	John Conrad, 3 days, 390 miles (Bismarck Commission meeting)..	44.43	5,250.44
52970	4-27-36	N. W. Bell Telephone Co., service to Debt and Financial Survey (to pay bill while WPA project was pending approval from Wash-ton) .....	10.91	5,239.53
52971	4-27-36	Spencer A. Larsen, April salary .....	300.00	4,939.53
52972	4-27-36	Lucille Bauer, April salary, (part time) ....	20.00	4,919.53
52973	4-27-36	Margaret O. Sheehan, April salary .....	75.00	4,844.53
52974	4-27-36	Margaret O. Sheehan, April salary .....	75.00	4,769.53
52975	4-27-36	N. W. Bell Telephone Co., phone service, toll, telegrams, Feb. 21 to April 12 .....	7.19	4,762.34
52976	4-27-36	State Supply Department for Supplies .....	26.85	4,735.49
55451	5-6-36	State Planning Board, Photo Offset Reproductions .....	3.40	4,732.09
55452	5-6-36	Wm. N. Thompson, Traveling Supervisor, Tax Survey Project; to Beach with Dr. Larsen, to assist in checking school reports, revenues, etc., at county seats enroute .....	3.54	4,728.55
58045	5-18-36	Peabody College Bookstore, one Cy. "Methods of Equalization of Schools in the United States" .....	1.75	4,726.80
58046	5-18-36	McGraw-Hill Book Co., Inc., one Cy. "Toward Social Security" .....	2.00	4,724.80
58047	5-18-36	State Supply Department, paper, etc. (Regular Office Supplies)..	35.96	4,688.84
58048	5-18-36	R.R.Scholl, 4 days, 92 mi. (Bismarck Commission meeting) .....	40.31	4,648.53

Warrant Number	Date Paid	Items	Amt. Paid	Bal. Orig. Approp.
58049	5-18-36	—John Conrad, 4 days, 390 miles, (Bismarck Commission meeting) .....	52.91	4,595.62
58050	5-18-36	—John K. Brostuen, 4 days, 466 miles, (Bis. Comm. meeting) .....	56.15	4,539.47
57982	5-18-36	—Wm. W. Felson, 5 days, 620 miles, (Bismarck Commission meeting) ..	75.76	4,463.71
60173	5-26-36	—Lucille Bauer, May salary (part time) .....	20.00	4,443.71
60174	5-26-36	—Margaret O. Sheehan, May salary .....	75.00	4,368.71
60175	5-26-36	—Margaret O. Sheehan, May salary .....	75.00	4,293.71
60176	5-26-36	—Spencer A. Larsen, May salary .....	300.00	3,993.71
60177	5-26-36	—Northwestern Bell Tel. Co., (local service May 13 to June 13) .....	11.43	3,982.28
62964	6-9-36	—C. H. Sanders, salary 3 days compiling educational statistics .....	12.00	3,970.28
62965	6-9-36	—Spencer A. Larsen, travel to attend meeting of State Planning Board and to confer with Pres. McFarland at Minot.....	5.10	3,965.18
62966	6-9-36	—Spencer A. Larsen, travel to confer with the Pres. of the Dickinson Teachers College; Ag. Expr. Station at Dickinson and to investigate adm. of cigarette tax laws .....	12.85	3,952.33
64978	6-5-36	—State Supply Dept., supplies .....	15.05	3,937.28
66533	6-26-36	—Lucille Bauer, June salary (part time) .....	20.00	3,917.28
66534	6-26-36	—Margaret O. Sheehan, June salary .....	75.00	3,842.28
66535	6-26-36	—Margaret O. Sheehan, June salary .....	75.00	3,767.28
66536	6-26-36	—Spencer A. Larsen, June salary .....	300.00	3,467.28
66537	6-26-36	—Nat. Indus. Conference Bd., (1 cy. "Cost of Govm't. U. S.") .....	2.00	3,465.28
66538	6-26-36	—Tax Policy League, 6 mo. subscription and membership dues to "Taxbits" .....	1.50	3,463.78
69582	7-10-36	—National Municipal		

Warrant Number	Date Paid	Items	Amt. Paid	Bal. Orig. Approp.
69583	7-10-36	League, 3 copies "Model Tax Collection Law"	1.05	3,462.73
69584	7-10-36	N. W. Bell Tel. Co., local service June 13 to July 12 (long distance) .....	5.06	3,457.67
69585	7-10-36	Spencer A. Larsen, travel exp. to obtain unit cost data from institutions and to attend meeting of Taxpayers Ass'n. at Fargo. (Bismarck, G. Fks., Mayville, Wahpeton, Valley City, Ellendale, etc.) .....	71.01	3,386.66
69586	7-10-36	John K. Brostuen, 4 days, 466 miles, (Bismarck Com. meeting) ..	58.10	3,328.56
69587	7-10-36	R. R. Scholl, 3 days, 92 miles, (Bismarck Commission meeting) .....	30.93	3,297.63
70424	7-14-36	John Conrad, 3 days, 395 miles (Bismarck Commission meeting) .....	43.97	3,253.66
70982	7-16-36	H. O. Saxvik, 13 days, no mileage .....	93.13	3,160.53
72435	7-27-36	Margaret O. Sheehan, July salary .....	75.00	3,085.53
72436	7-27-36	N. W. Bell Tel Co., local service, 7-13 to 8-12; long distance and telegrams .....	4.79	3,080.74
72437	7-27-36	Bismarck Tribune, 20 sheets marbleboard covers for maps .....	1.53	3,079.21
72438	7-27-36	Bismarck Tribune 17 sheets coverstock for reports .....	1.73	3,077.48
72439	7-27-36	Margaret O. Sheehan July salary .....	75.00	3,002.48
72440	7-27-36	Lucille Bauer, July salary (part time) .....	20.00	2,982.48
72441	7-27-36	Spencer A. Larsen, July salary .....	300.00	2,682.48
72442	7-27-36	Spencer A. Larsen, travel, 621 miles, 5 days. To confer with Walter Loomer at G. Forks on preparation of common school report; to confer with Mr. Conrad, Commission member at Erie .....	44.10	2,638.38
72442	7-27-36	State Supply Department (paper, ink, etc., for report) .....	40.68	2,597.70

Warrant Number	Date Paid	Items	Amt. Paid	Bal. Orig. Approp.
74967	8-6-36	—Yale University Press, 1 copy "Sweden, a Middle Ground" .....	2.40	2,595.30
74968	8-6-36	—Logan Beisner, Halliday, 4 days service compiling income tax data....	4.00	2,591.30
74969	8-6-36	—Underwood-Elliott Fisher Co., repairing Underwood machine used in typing statistics for Tax Survey Commission by Tax Survey Project clerks. ....	1.50	2,589.80
77169	8-15-36	—Margaret O. Sheehan, August salary .....	150.00	2,439.80
77331	8-17-36	—Fargo Forum, 6 mos. subscription .....	3.25	2,436.55
77332	8-17-36	—Workmen's Compensation Bureau, 1 year and Adv. premium.....	35.92	2,400.63
77333	8-17-36	—Spencer A. Larsen, travel 90 miles, 1 day, to confer with Commission member (R. R. Scholl) .....	5.15	2,395.48
77334	8-17-36	—State Supply Dept. (paper for report, mimeographed) .....	121.49	2,273.99
78856	8-26-36	—Spencer A. Larsen, Aug. salary .....	300.00	1,973.99
78855	8-26-36	—Lucille Bauer, August salary (part time) .....	20.00	1,953.99
78857	8-26-36	—Bismarck Tribune Co., legal blanks .....	1.84	1,952.15
78858	8-26-36	—Bismarck Tribune Co., staples for stapling 3,000 mimeographed reports .....	14.69	1,937.46
80157	8-29-36	—Kiva Auerbach, services compiling statistics.....	34.50	1,902.96
81034	9-8-36	—N. W. Bell, Aug 13 to Sept. 12 .....	4.74	1,898.22
81035	9-8-36	—McGraw Hill Book Co., 1 cy. Buehler "Public Finance" .....	3.40	1,894.82
81036	9-8-36	—National Highway Users Conference, 1 copy "Registration Fees" "Special Taxes for Motor Vehicles." .....	1.25	1,893.57
81036	9-8-36	—State Supply Dept., (paper for mimeographing reports, ink, stencils etc., .....	61.59	1,831.98
83012	9-12-36	—W.J.Godwin 4 dys 70 mi.	35.04	1,796.94
83013	9-12-36	Bismarck Com. Meeting	3.60	1,793.34

Warrant Number	Date Paid	Items	Amt. Paid	Bal. Orig. Approp.
83175	9-16-36	Post Office Dept., (Stamped Envelopes)....	65.76	1,727.58
83439	9-17-36	Margaret O Sheehan, Sept. salary .....	75.00	1,652.58
84780	9-26-36	Lucille Bauer, Sept. salary (part time) .....	20.00	1,632.58
84781	9-26-36	Bismarck Tribune Co., (cover sheets for reports,, binding 3 vols. maps) .....	12.36	1,620.22
84782	9-26-36	Bismarck Tribune Co., (cover sheets for reports and gummed binding cloth) .....	16.93	1,603.29
84783	9-26-36	Bismarck Tribune Co., 2000 covers for reports	10.97	1,592.32
84784	9-26-36	Spencer A. Larsen, Sept. salary .....	300.00	1,292.32
84785	9-26-36	Margaret O. Sheehan, September salary .....	75.00	1,217.32
84786	9-26-36	Capital Typewriter Co., (Repair of machines used in stenciling reports of the commission .....	7.00	1,210.32
84787	9-26-36	N. W. Bell, local service Sept. 12 to Oct. 12; long distance Aug. 13 to Sept. 12 .....	6.59	1,203.73
84788	9-26-36	Otto Dirlam, welding stapler for stapling reports of Commission...	1.35	1,202.38
84789	9-26-36	National Highways Conference 1 copy of "State Restrictions for Motor Vehicles" .....	1.00	1,201.38
84790	9-26-36	John K. Brostuen, 233 mi., 5 days, Bismarck Commission Meeting)....	49.45	1,151.93
84791	9-26-36	John Conrad, 390 miles, 5 days, Bismarck Commission Meeting .....	62.50	1,089.43
84972	9-26-36	W. W. Felson, 620 mi., 5 days, Bismarck Commission meeting .....	86.11	1,003.32
84793	9-26-36	R. R. Scholl, 5 days, 92 miles, Bismarck Commission meeting .....	50.14	953.18
84794	9-26-36	W. J. Godwin, 70 miles, 5 days .....	4.50	948.68
84795	9-26-36	Bismarck Com. Meeting	34.85	913.83
88695	10-16-36	M. Sheehan, Oct. salary	75.00	838.83
88696	10-16-36	H. A. Rogers Co., Photostatic reproductions to go in reports .....	6.55	832.28

Warrant Number	Date Paid	Items	Amt. Paid	Bal. Orig. Approp.
88697	10-16-36	State Stationery Co., Bismarck, 3 dozen col- ored lead pencils for proj- ect .....	3.40	828.88
88698	10-16-36	State Supply Dept., (pa- per, ink, stencils, etc., for report) .....	40.72	788.16
88699	10-16-36	Spencer A. Larsen, trav- el (attending National Tax Ass'n. Conference at Indianapolis as dele- gated by Governor).....	90.52	697.64
88700	10-16-36	H. O. Saxvik, 5 days, 414 miles to Fargo to con- fer with educators rel- ative to report on ele- mentary education .....	71.27	626.37
90651	10-27-36	N. W. Bell Tel. Co., lo- cal service, Oct. 13 to Nov. 12; long distance and telegrams Sept. 13 to Oct. 12 .....	10.35	616.02
90652	10-27-36	Bismarck Tribune Co., (Grey covers for re- ports, gummed bind- ing cloth) .....	21.78	594.24
90653	10-27-36	Spencer A. Larsen, Oct. salary .....	300.00	294.24
90654	10-27-36	Margaret O. Sheehan, Oct. salary .....	75.00	219.24
90655	10-27-36	Lucille Bauer, Oct. sal- ary (part time) .....	20.00	199.24
	11-13-36	A transfer of \$1,500 from State Emergency Fund to fund of Tax Survey Commission for completion of work of the Commission, which added to balance of \$199.24 leaves a bal- ance in fund of.....		1,699.24
94645	11-16-36	Margaret O. Sheehan, Nov. Salary .....	75.00	1,624.24
94645	11-16-36	State Supply Dept., (pa- per, etc., ink, stencils for reports) .....	45.23	1,579.01
96839	11-27-36	Lucille Bauer, Nov. Sal- ary (part time) .....	20.00	1,559.01
96840	11-28-36	John Weisenburger, draftsman charts for reports .....	25.00	1,534.01
96841	11-27-36	Margaret Sheehan, Nov. salary .....	75.00	1,459.01



Warrant Number	Date Paid	Items	Amt. Paid	Bal. Orig. Approp.
96842	11-27-36	Spencer A. Larsen, Nov. salary .....	300.00	1,159.01
96843	11-27-36	Bismarck Tribune, gummed binding tape, etc., for report.....	5.20	1,153.81
96844	11-27-36	Otto Dirlam, welding staples .....	.75	1,153.06
96845	11-27-36	Municipal Finance Of- ficers Association, 1 copy of "Municipal Bonds, A Century of Exp." .....	5.00	1,148.06
96846	11-27-36	N. W. Bell (Local Nov. 13-Dec. 12) Long Dis- tance and Telegrams 10-13 to 11-12 .....	4.85	1,143.21
96847	11-27-36	Bismarck Tribune, Let- terheads ordered in September .....	9.07	1,134.14
96848	11-27-36	Spencer A. Larsen, travel to Grand Forks to address N. D. E. A. on findings of the Tax Survey Commission ....	15.56	1,118.58
101205	12-18-36	Northwestern Bell Tel. Co. Local Service Dec. 13 to Jan. 12, Long Distance Service and telegrams Nov. 13 to Dec. 12 .....	14.12	1,104.46
101206	12-18-36	Capital Pub. Co., Bis- marck, for Mimeograph paper .....	15.30	1,089.16
101207	12-13-36	Margaret O. Sheehan, salary for December....	150.00	939.16
101208	12-18-36	Spencer A. Larsen, Dec. salary .....	300.00	636.16
101209	12-18-36	Lucille Bauer, Dec. sal- ary (part time) .....	20.00	619.16
101210	12-18-36	State Supply Dept. (Stamps for mailing reports to Legislators, carbon, general sup- plies) .....	53.93	565.23
101703	12-21-36	Fred Weibers (For mak- ing new handle and welding same on large stapling machine).....	2.00	563.23
102673	12-31-36	Globe Gazette Printing Co. for large sized stap- ling machine used in stapling all reports. Bills just received .....	8.93	554.30

Warrant Number	Date Paid	Items	Amt. Paid	Bal. Orig. Approp.
6242	Credit Refund—	Bell Tel. Co. for telephone taken out in Dec., 1936 .....	3.01	557.31
104714	1-8-37—	Woodmansee Stationery Co. (Binders for Com mission's final report)	10.71	546.60
104715	1- 8-37—	KLM Process Co. 1200 photostatic copies for school finance report....	9.94	536.66
104716	1- 8-37—	Dr. Spencer A. Larsen, travel to Fargo to take manuscript to instruct printer as to the make- up of Report No. 7; to confer with attorneys relative to drafting of bills pertaining to the program of the Tax Survey Commission ....	35.40	501.26
105637	1-13-37—	Kathleen Larsen, Steno- graphic service to get report to printer on schedule .....	36.00	465.26
106224	1-18-37—	Supt. of Documents, Washington, D. C. (1 cy. bulletin No. 616)....	1.25	464.01
106225	1-18-37—	Bismarck Tribune, Grey covers for re- ports, gummed tape for binding .....	10.86	453.15
106226	1-18-37—	Western Union Tele- graph Co., (Telegram)..	.36	452.79
106227	1-18-37—	KLM Process Co., New York, N. Y., large size organization charts.....	10.60	442.19
106228	1-18-37—	Railway Express Agen- cy, Bismarck, Express on Photostatic copies..	1.67	440.52
106229	1-18-37—	State Supply Co., Gen- eral Office Supplies, Stamps, carbon, paper	9.41	431.11
106230	1-18-37—	Spencer A. Larsen, travel to Fargo to con- fer with Knight Print- ing Co. on publication of the Tax Survey Commission's report, check pages, galley proofs, etc. ....	17.95	413.16

1-25-37—Bills Outstanding for supplies, salaries, and legal services for draft- ing bills, approximate the balance of.....	\$ 413.16
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Senator Whelan said he was informed that a special audit and report of the Hail Department had been prepared by James Shirek, accountant for the State Board of Auditors, at the request of the Attorney General, and he would move that the Attorney General be requested to furnish the Senate a copy of such special report and audit.

Which motion prevailed.

MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
January 25, 1937.

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

HOUSE CONCURRENT RESOLUTION "E"

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

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

Senator Watt presented:

SENATE RESOLUTION "G"

Relative to expenditures of State Highway Department Expenditures.

Which was read from the desk.

Senator Watt moved that the rules be suspended and that Senate Resolution "G" be adopted, which motion prevailed.

SECOND READING OF SENATE BILLS

Senate Bill No. 39. A Bill for an Act Making an Appropriation for the Care of Feeble Minded Whose Residence Cannot Be Determined and Whose Care Must Be Borne by the State.

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, 47; nays, 0; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Owings
Bilden	Johnson	Skarvold
Blaisdell	Kamrath	Strehlow
Brostuen	Kolpin	Streibel
Cain	Kroeber	Stucke
Coffey	Lavik	Thatcher
Crandall	Lemke	Thorson
Drew	Lian	Topp
Ettestad	Lowe	Trout
Fine	Lynn	Vinje
Fowler	Magoffin	Watt
Fredrickson	McGillic	Whelan
Gilbertson	Morrison	Williams
Greene	Nelson, Barnes	Wog
Gronvold	Nelson, Grand Fks.	Young
Guenther	Olson	

Absent and not voting:

Messrs.	Messrs.
Hulteng	Mutchler

So the bill passed and the title was agreed to.

Senate Bill No. 64. A Bill for an Act Making an Appropriation to Provide for the Payment of a Deficit in the Appropriation for Printing Expense of the Twenty-fourth Session of the Legislative Assembly of the State of North Dakota, and Declaring an Emergency.

Was read the second time.

Senator Johnson moved that Senate Bill No. 64 be amended as follows:

In Section 2 of the printed bill, strike out everything after the word "Emergency" and insert the following: "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."

Which motion prevailed.

Senator Johnson moved that the rules be suspended and Senate Bill No. 64 be considered properly re-engrossed, and placed upon Second Reading and Final Passage, as amended, which motion prevailed.

#### ROLL CALL

The question being on the final passage of Senate Bill No. 64, as amended, the roll was called and there were ayes, 47; nays, 0; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Owings
Bilden	Johnson	Skarvold
Blaisdell	Kamrath	Strehlow

Messrs.	Messrs.	Messrs.
Brostuen	Kolpin	Streibel
Cain	Kroeber	Stucke
Coffey	Lavik	Thatcher
Crandall	Lemke	Thorson
Drew	Lian	Topp
Ettestad	Lowe	Trout
Fine	Lynn	Vinje
Fowler	Magoffin	Watt
Fredrickson	McGillic	Whelan
Gilbertson	Morrison	Williams
Greene	Nelson, Barnes	Wog
Gronvold	Nelson, Grand Fks.	Young
Guenther	Olson	

Absent and not voting:

Messrs.	Messrs.
Hulteng	Mutchler

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

FIRST READING OF HOUSE BILLS

HOUSE CONCURRENT RESOLUTION "F" Relating to Townsend Recovery Plan.

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

HOUSE CONCURRENT RESOLUTION "E" Relative to Federal Funds for Planting and Growing Trees.

Was read the first time and referred to the Committee on Federal Relations.

House Bill No. 3. A Bill for an Act Making an Appropriation for the Purpose of Paying Clerkhire and Miscellaneous General Expenses of the North Dakota Procurement Officer, as Provided by Chapter 219, Session Laws of 1935.

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

House Bill No. 14. A Bill for an Act to Conserve the Natural Gas and Oil Resources of the State of North Dakota, to Prevent Waste through Negligent Methods of Operation, and to Provide for the Prescribing and Enforcing of Rules and Regulations Governing the Drilling, Casing and Abandonment of Oil and Gas Wells and the Waste of Oil and Gas, and Providing a Penalty for the Violation Thereof.

Was read the first time and referred to the Committee on Mines and Minerals.

Senator Brostuen moved that the President appoint a committee of three to escort Former Senator Marshall to the rostrum, which motion prevailed.

The President appointed the following committee: Senators Brostuen, Fine and Wog.

The committee escorted Senator Marshall to the rostrum. Senator Marshall addressed the members, expressing his pleasure at being able to visit the session. He said that he recognized the problems facing them; they were asked for large appropriations which they must provide, and were faced at the same time with the fact that there was no money in North Dakota. In his official capacity (Chairman of State Agricultural Soil Conservation Committee) he represented the farmers of the state and was working in their interest; he believed a better day was dawning for agriculture; powerful friends, among them and the greatest of all President Roosevelt, was fighting for agriculture, and Henry Wallace and many others could be depended upon. Discussing the crop insurance plan, he believed it might be in effect this year, it was certain to be in effect in 1938.

Senator Owings moved that the Senate do now recess until 9:45 a. m., tomorrow.

Which motion prevailed.

The Senate stood recessed.

#### COURTESIES OF THE FLOOR

The courtesies of the floor were extended to: Morris Erickson, Jamestown; Ronald Nelson, Morten Clausen, Norma; H. W. George, Steele.

THOMAS McDONALD,  
Secretary.

TWENTY-FIRST DAY AFTER RECESS AND  
TWENTY-SECOND DAY

Senate Chamber,  
Bismarck, North Dakota,  
January 26, 1937.

The Senate convened at 9:45 a. m., pursuant to recess taken, President Thoresen presiding.

A committee from the House reported that the House was now organized and ready to receive the Senate in Joint Session.

The President announced that, without objection, the Senate would recess to attend the Joint Session, to reconvene at the close of such proceedings.

The Senate reconvened following the close of the Joint Session.

The President called upon Senator Watt to make a few remarks in view of the fact that January 25th was the birthday of the Scotch poet, Robert Burns, Senator Watt being of Scotch extraction.

Senator Watt said many of the senators present had Scotch ancestors and were very proud of that fact; many others he termed as "near Scotch" i. e., the Norwegians. He said the Norwegians were a wonderful people, due principally to the fact that many years ago, on one of their yearly raids, they had carried away a great many Scotch women, and taken them to Norway. From that time the Norwegians began to show definite signs of becoming a civilized race. In regard to Robert Burns, Senator Watt believed the Scotch poet had composed some of the most wonderful poems ever written, "absolutely human, and acceptable to the very lowest as well as the highest classes of humanity in the world today." Senator Watt quoted several stanzas of "Green grow the rashes, oh!" also "A Man's a Man for a' That" and other poems by Burns.

Senator Fowler moved that the Chair appoint a committee of five to confer with Mr. Ward, Regional Director of the Re-

settlement Administration, for the purpose of obtaining information in regard to finances available under existing appropriations and finances which might be available under emergency appropriations pending before Congress.

Which motion prevailed.

The President appointed the following committee: Senators Fowler, McGillic, Brostuen, Owings and Williams.

Senator Lowe moved that the Senate do now adjourn, which motion prevailed. The Senate stood adjourned.

THOMAS McDONALD,  
Secretary.

#### TWENTY-SECOND DAY

Senate Chamber,  
Bismarck, North Dakota,  
January 26, 1937.

The Senate convened at 2:00 p. m., pursuant to adjournment, the President presiding.

Prayer by the Chaplain, Rev. N. E. Elsworth, Bismarck.

Roll Call: All members present except Senators Fredrickson, Hulteng, Kolpin and Owings.

Senator Gronvold moved that all absent Senators be excused, which motion prevailed.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
January 26, 1937.

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

Senate Bill No. 40. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the State Seed Department.

Also,

Senate Bill No. 50. A Bill for an Act to Repeal Section 10185b of the Supplement to the 1913 Compiled Laws of North Dakota Relating to Prohibiting Smoking in Specified Places, and the Penalties.

Also,

Senate Bill No. 51. A Bill for an Act to Amend and Re-enact Section 3181 of the Compiled Laws of North Dakota for 1913 and Section 3185 of the Supplement of the 1913 Compiled Laws of North Dakota.

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

Very respectfully,

THOMAS McDONALD,  
Secretary.



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 21st day and recommend that the same be corrected as follows: On Page 197, line 21, correct spelling of the word "Commission".

And when so corrected recommend that the same be approved.

C. C. MORRISON,  
Chairman.

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

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
January 26, 1937.

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

HOUSE CONCURRENT RESOLUTION "I"

Also:

HOUSE CONCURRENT RESOLUTION "H"

Which the Speaker has signed and your signature is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
January 26, 1937.

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

House Bill No. 15. A Bill for an Act to Encourage the Investment of Moneys in the State of North Dakota, and to Encourage the Development of the Natural Resources of this State, and to Provide a Market for the Gas and Oil Deposits

in this State, Including Those Owned by the State of North Dakota, and the Counties Thereof, and to Permit the Marketing of Such Natural Resources Through Interstate Pipe Lines, by Selling Therefrom to the State, County, and School Districts of Gas and Oil, Upon Condition that the Seller Purchase from Production or Produce in this State an amount of Gas or Oil at Least Equivalent to the Amount it Delivers to Said State, County and School District Building, and Re-

quiring Such Sellers to Make Reports of Its Sale and Purchases and Production, Under Oath, and Providing a Penalty for Violation Thereof.

Also,

House Bill No. 16. A Bill for an Act to Encourage the Investment of Capital in the State of North Dakota in Connection with the Business of Securing, Saving, Storing and Refining of Petroleum and Petroleum Products, and to Fix and Determine a method for the Finding and Fixing a Limitation on Valuations Thereof for the Purposes of Taxation.

Also,

House Bill No. 17. A Bill for an Act to Authorize the Board of County Commissioners of the Counties in the State of North Dakota, to Make, Execute and Deliver, on Behalf of the County, Leases and Other Contracts for the Purpose of Mining, and Operating for Oil and Gas, Lay Pipe Lines, and for Establishing and Maintaining Tanks, Power Stations and Structures Thereon, to Produce, Save, Sell and Take Care of Said Products, Together with Power and Authority to Include in the Provisions of Said Leases Any and All Provisions Which Would Be Within the Power of an Individual owner to Make, With Certain Limitations, and Providing for the Distribution of Moneys Received from Said Leases.

Also,

House Bill No. 19. A Bill for an Act to Provide for the Distribution of all Moneys Received From the Treasury of the United States, Under the Provisions of the Act of Congress of February 25, 1920 (Public Number 146) to Place the Same in the State Equalization Fund of the State of North Dakota, and to Be Distributed as Provided by Chapter 260 of the Laws of the State of North Dakota for 1935.

Also,

House Bill No. 30. A Bill for an Act Making a Special Appropriation for the General Maintenance, Improvements and Repairs and Equipment for the New Addition to the Infirmary of the State Tuberculosis Sanatorium at San Haven, North Dakota, from April 1, 1937, to June 30, 1937, and Declaring an Emergency.

Also,

House Bill No. 37. A Bill for an Act to Amend and Re-enact Section 1160 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to the Organization of Common School Districts.

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

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

Senator Young requested that the Senate return to the 7th order of business, which request was granted.

Senator Young requested an extension of time on Senate Bills Nos. 44 and 60, which request was granted.

Senator Cain requested an extension of time on Senate Bills Nos. 2 and 3, which request was granted.

Senator Coffey requested an extension of time on Senate Bill No. 62, which request was granted.

Senator Ettestad requested an extension of time on Senate Bill No. 59, which request was granted.

Senator Vinje requested an extension of time on Senate Bill No. 68, which request was granted.

The President made the following announcement:

President Thoresen: "A number of Senate Bills have been assigned to committees and have been in the hands of the respective committees the following number of days:

- "Senate Bill No. 2, Judiciary, 10 days.
- "Senate Bill No. 3, Judiciary, 10 days.
- "Senate Bill No. 20, Appropriations, 9 days.
- "Senate Bill No. 22, Banks and Banking, 8 days.
- "Senate Bill No. 23, Elections, 8 days.
- "Senate Bill No. 26, State Affairs, 8 days.
- "Senate Bill No. 28, Temperance, 7 days.
- "Senate Bill No. 31, Appropriations, 7 days.
- "Senate Bill No. 44, Corporations, 7 days.
- "Senate Bill No. 45, Appropriations, 7 days.
- "Senate Bill No. 46, Taxes and Tax Laws, 7 days.
- "Senate Bill No. 47, Apportionment, 7 days.
- "Senate Bill No. 49, Counties, 6 days.

"Committee Chairmen are asked to call their committees and take action on these bills at once. We are now on the 22nd day of the session, and over a third of our time is gone."

Senator Blaisdell: "Mr. President: I wish my remarks extended in the Journal. It is possible that my subject should come under a different order of business and if so, I apologize to the Senate. Mr. President, there is a group of Senators, both new and old members, a group which we believe constitutes a majority, who feel that due to the slowness of the proceedings of this body; that slowness being occasioned by the lack of the early introduction of bills and lack of quick action on the part of committees and committee chairmen, that again we are going to be confronted with a rush of bills on the 49th day. We feel that voting on bills that are read while a roll call is being conducted, and which on many occasions have been amended and are different from the printed bill, places too much power in the hands of committees and committee chairmen.

"We wish to advise the Senate that it is the intention of this group to oppose such action on the 49th day by asking for the reading of individual bills when no roll call is being

taken, and by further making an extension of remarks in the journal on each bill, and an explanation of our vote on each bill."

Senator McGillic moved that the President appoint a committee of three to draw up suitable resolutions in appreciation of the talk given by Mr. Cal Ward, Regional Director of the Resettlement Administration and of his enthusiastic cooperation in dealing with the present relief situation.

Which motion prevailed.

The President appointed the following committee: Senators McGillic, Morrison and Stucke.

Senator Whelan moved that the Commissioner of Insurance be instructed to place a copy of the booklet entitled "Apparent Irregularities in the State Hail Insurance Department" on the desk of each member of the House and Senate.

Which motion prevailed.

Senator Thatcher introduced:

#### SENATE CONCURRENT RESOLUTION "G"

Relative to changing name of language from "English" to "American."

Which was read the first time.

Senator Thatcher moved that Senate Concurrent Resolution "G" be adopted.

Which motion was lost.

Senate Concurrent Resolution "G" was referred to the Committee on Education.

#### FIRST READING OF SENATE BILLS

Senator Guthrie introduced:

Senate Bill No. 87. A Bill for an Act Providing for the Application to Highway Purposes of All Special Taxes on Motor Vehicle Transportation and Declaring an Emergency.

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

Senator Magoffin introduced:

Senate Bill No. 88. A Bill for an Act Making Unlawful Certain Discriminations in Price, in Services or Facilities Furnished, or in Payment for Services of Facilities to Be Rendered, in Connection with the Sale of Commodities in the Course of Trade or Commerce, and Providing Certain Remedies for Violation.

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

Senator Lowe introduced:

Senate Bill No. 89. A Bill for an Act to Amend and Re-enact Section 3644 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Duties of City Boards of Equalization.

Was read the first time and referred to the Committee on Taxes and Tax Laws.

Senator Drew introduced:

Senate Bill No. 90. A Bill for an Act to Amend and Re-enact Section 3801 of the Compiled Laws of North Dakota for the Year 1913, Relating to Officers Under the Commission Form of Government, and Declaring an Emergency.

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

Senator Aasen introduced:

Senate Bill No. 91. A Bill for an Act to Amend and Re-enact Section 9660 of the Compiled Laws of 1913 Defining a Lottery.

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

Senator Nelson of Grand Forks (by request) introduced:

Senate Bill No. 92. A Bill for an Act to Repeal Chapter 174, Session Laws of 1933, Relating to the Recall of Elective Officials in Cities.

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

Senators Crandall and McGillic introduced:

Senate Bill No. 93. A Bill for an Act to Amend and Re-enact Section Four (4) of the Laws of North Dakota for the Year 1933, Relating to the Granting and Revocation of Licenses to Practice Dentistry, Setting Forth the Grounds for the Revocation Thereof and Defining Unprofessional Conduct.

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

Senators Watt and Crandall introduced:

Senate Bill No. 94. A Bill for an Act Providing for the Granting of Concessions in State, County, and Municipal Public Buildings and the Grounds Adjacent Thereto, for Cafes, Restaurants, and Confectionaries; and, Providing for the Leasing, Renting, and Licensing of Such Public Concessions, and Making it Unlawful for Any State Official, County Official, Municipal Official, and Any Commission or Board Thereof, to Let Anyone Have the Use and Benefits of Any Such Concessions Without Having Complied with the Provisions of This Act, and Providing a Penalty Therefor; and Making This Act an Emergency Measure.

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

The Committee on Taxes and Tax Laws introduced:

Senate Bill No. 95. A Bill for an Act Providing for the Adjustment and Payment of Delinquent Real and/or Personal Property Taxes, Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Was read the first time and referred to the Committee on Taxes and Tax Laws.

Senators Guenther, Thatcher, Gronvold and Lemke introduced:

Senate Bill No. 96. A Bill for an Act Appropriating Six Thousand Dollars (\$6,000.00) to the State Historical Society for the Development of the International Peace Garden on the American Side in Rollette County, North Dakota.

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

The Committee on Taxes and Tax Laws introduced:

Senate Bill No. 97. A Bill for an Act to Provide for the Collection of Delinquent Taxes Levied and Assessed Upon Real and/or Personal Property from the Rents, Issues and Income Thereof by Means of Receivership. Repealing All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

Was read the first time and referred to the Committee on Taxes and Tax Laws.

The Secretary announced that the President was about to sign House Concurrent Resolution "H" and House Concurrent Resolution "I," and the President signed the same in the presence of the Senate.

Senator Johnson requested that the Senate return to the Seventh Order of Business.

Which request was granted.

Senator Johnson moved that on all committee reports the titles of bills be omitted and the bills referred to by number only.

Which motion prevailed.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
January 26, 1937.

Mr. Speaker: I have the honor to return herewith the following resolutions:

HOUSE CONCURRENT RESOLUTION "H"

Also,

HOUSE CONCURRENT RESOLUTION "I"

Which the President has signed.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senator Gronvold moved that the Senate do now adjourn.

Which motion prevailed.

The Senate stood adjourned.

#### COURTESIES OF THE FLOOR

The courtesies of the floor were extended to:

Alton Theede, Fairmount; Herman C. Mittag, Hankinson; Gerald Olson, Okon; Colin Cary, Marion R. Cary, Mandan; O'Garmon King, Park River.

THOMAS McDONALD,  
Secretary.

## TWENTY-THIRD DAY

Senate Chamber,  
Bismarck, North Dakota,  
January 27, 1937,

The Senate convened at 2:00 p. m., pursuant to adjournment, the President presiding.

Prayer by the Chaplain, Rev. N. E. Elsworth, Bismarck.

Roll Call: All members present except Senator Hulteng.

Senator Nelson of Grand Forks moved that all absent Senators 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 21st day after recess and 22nd day, and find the same to be correct, and recommend that the same be approved.

C. C. MORRISON,  
Chairman.

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

## MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
January 27, 1937.

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

Senate Bill No. 39. A Bill for an Act Making an Appropriation for the Care of Feeble Minded Whose Residence Cannot Be Determined and Whose Care Must Be Borne by the State.

Also,

Senate Bill No. 64. A Bill for an Act Making an Appropriation to Provide for the Payment of a Deficit in the Ap-

appropriation for Printing Expense of the Twenty-fourth Session of the Legislative Assembly of the State of North Dakota, and Declaring an Emergency.

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

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
January 27, 1937.

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

Senate Bill No. 27. A Bill for an Act Making it Unlawful for the Governor or any Officer of the State, or any Manager or Executive Head or Other Person Directly or Indirectly Employed by any Department, Bureau, Commission or Industry of This State, or any Member of any State Board, to Appoint any Member of the Legislative Assembly to any Civil Office or any Civil Employment During the Term for Which Said Member Shall Have Been Elected; Making it Unlawful for any Member of Said Legislative Assembly to Accept Such Employment; Providing a Penalty, and Declaring an Emergency.

Which the House has indefinitely postponed.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
January 27, 1937.

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

House Bill No. 58. A Bill for an Act to Amend and Re-enact Section 3352 of the 1913 Compiled Laws of North Dakota.

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

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### PETITIONS AND COMMUNICATIONS

The following petitions and communications were received,



read from the desk, and referred to the appropriate committees:

A resolution adopted by the Supervisors Association of Divide County calling attention to the relief situation, total lack of feed for stock and lack of seed; and asking continuance of legal moratorium.

A resolution adopted by the Committee on Taxation, Divide County, asking for reduction of real estate taxes for 1935 on same basis as is provided in Chap. 272, S. L. 1935, for personal property taxes; requesting sales tax be made a replacement and recommending an income tax with reasonable exemptions.

A communication from E. A. Willson, Executive Director of the Public Welfare Board, requesting that they be relieved of the responsibility of maintaining certain buildings located near Lake Metigoshe, Bottineau County, constructed on state-owned property by FERA for transients; and asking that the Governor and Legislature make such disposition of the buildings as might be deemed desirable.

A communication from same party calling attention to a recent Act of Congress making all Indians citizens of the United States, and thus eligible for public assistance under Social Security Act; recommending that the Legislature memorialize Congress to appropriate funds for needy, aged and blind and the dependent children of unallotted Indians, rather than to aged Indians alone, as the counties in which such Indians were located were unable to carry this additional load.

A communication from Senator Fine, Secretary of the North Dakota Commissioners Federated Cooperative Agricultural Association, giving a resume of the expenditures of the Association, miles traveled, etc.

#### REPORTS OF STANDING COMMITTEES

The Committee on State Affairs made the following report:

Mr. President: Your Committee on State Affairs to whom was referred House Concurrent Resolution "F", 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.

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 52, have had the same under consideration and recommend that the same be amended as follows:

On line 3 of the engrossed bill, strike out the figures "\$66,137.00" and insert in lieu thereof the figures "\$62,933.10".

Under "Salaries and Wages" line numbered "5", strike out the figures "\$4,577.00" and insert in lieu thereof the figures "\$1,373.10", and in the same line, strike out "10%" and insert in lieu thereof "3%".

Correct the total, following "TOTAL MAINTENANCE", by striking out the figures "\$75,347.00" and inserting in lieu thereof the figures "\$72,143.10".

Correct the total, following the words "NET MAINTENANCE" by striking out the figures "\$61,347.00" and inserting in lieu thereof the figures "\$58,143.10".

In the last line of the bill, correct the total by striking out the figures "\$66,137.00" and inserting in lieu thereof the figures "\$62,933.10".

And when so amended recommend the same do pass.

B. W. LEMKE,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 57 have had the same under consideration and recommend that the same be amended as follows:

In line 3, of Section 1, of the engrossed bill, strike out the figures "\$287,925.00" and insert in lieu thereof the figures "\$260,931.00".

Under item "SALARIES AND WAGES," line numbered 5, strike out "10%" and insert "3%". In same line strike out the figures "\$22,420.00" and insert in lieu thereof the figures "\$6,726.00".

Under "Operating Expense," line numbered 5, item "Insurance, Bonds, etc." strike out the figures "1,000.00" and insert in lieu thereof the figures "1,500.00".

In the following line, item "Printing," strike out the figures "1,500.00" and insert in lieu thereof the figures "1,300.00".

In line 9, "Educational Supplies," strike out the figures "9,000.00" and insert in lieu thereof the figures "6,000.00".

In line 15, item "Operating Car and Truck," strike out the figures "2,000.00" and insert in lieu thereof the figures "1,500.00".

In item "Total Maintenance," strike out the figures "\$297,575.00" and insert in lieu thereof the figures "\$278,681.00".

In item "Net Maintenance," strike out the figures "\$222,575.00" and insert in lieu thereof the figures "\$203,681.00".

Under item "Improvements and Repairs," strike out all of line numbered "4."

Under "Equipment," line numbered 1, strike out the figures "5,000.00" and insert in lieu thereof the figures "4,000.00".

Under same item, line 2, strike out the figures "5,000.00" and insert in lieu thereof the figures "4,000.00".

Under same item, strike out all of line number "5."

Under "Miscellaneous Items," strike out all of line numbered 2, and renumber the following two lines.

In the last line of the bill, correct the total by striking out the figures "\$287,925.00" and inserting in lieu thereof the figures "\$260,931.00".

And when so amended recommend that the same do pass.

B. W. LEMKE,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 45, have had the same under consideration and return the same without recommendation.

B. W. LEMKE,  
Chairman.

Senator Ettestad moved that Senate Bill No. 45 be placed on the calendar, which motion prevailed.

A minority of the Committee on State Affairs made the following report:

Mr. President: A minority of your Committee on State Affairs to whom was referred Senate Bill No. 26, have had the same under consideration and recommend that the same be indefinitely postponed.

C. C. MORRISON,  
AXEL OLSON,  
ANDREW SKARVOLD,  
WM. WATT,  
OLE ETTESTAD.

A majority of the Committee on State Affairs made the following report:

Mr. President: A majority of your Committee on State

Affairs to whom was referred Senate Bill No. 26, have had the same under consideration and recommend that the same do pass.

N. N. NELSON,  
TOM WHELAN,  
J. T. MCGILLIC,  
MAX H. STREHLOW,  
A. N. LAVIK,  
R. A. OWINGS,  
A. W. FOWLER,  
HARRY C. LYNN,  
GUST WOG,  
J. P. CAIN.

G. F. DREW,  
Chairman.

Senator Drew moved that the report of the majority be adopted.

Senator Watt moved that the word "minority" be substituted for the word "majority."

Roll call demanded and granted.

#### ROLL CALL

The question being on the adoption of the minority report on Senate Bill No. 26, the roll was called and there were ayes, 11; nays, 35; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Morrison	Thatcher
Greene	Olson	Thorson
Kamrath	Streibel	Watt
Lemke	Stucke	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Gronvold	Nelson, Barnes
Blaisdell	Guenther	Nelson, Grand Fks.
Brostuen	Guthrie	Owings
Cain	Kolpin	Skarvold
Coffey	Kroeber	Strehlow
Crandall	Lavik	Topp
Drew	Lian	Trout
Ettestad	Lowe	Vinje
Fine	Lynn	Williams
Fowler	Magoffin	Wog
Fredrickson	McGillic	Young
Gilbertson	Mutchler	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Hulteng	Johnson	Whelan

So the motion was lost.

Senator Fowler moved that Senate Bill No. 26 be referred to the Committee on State Affairs.

Which motion prevailed.

The Committee on Mines and Minerals made the following report:

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

WM. THATCHER,  
Chairman.

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

The Committee on Counties made the following report:

Mr. President: Your Committee on Counties to whom was referred Senate Bill No. 49, have had the same under consideration and recommend that the same be indefinitely postponed.

W. J. TROUT,  
Chairman.

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

The Committee on Taxes and Tax Laws made the following report:

Mr. President: Your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 46, have had the same under consideration and recommend that the same be amended as follows:

In Section 1, of the printed bill, in line 20, following the word "for," strike out the words "the remainder of," and in the same line of the printed bill change the word "said" to the word "a".

And when so amended recommend that the same do pass.

J. K. BROSTUEN,  
Chairman.

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

The Committee on Taxes and Tax Laws made the following report:

Mr. President: Your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 84, have had the same under consideration and recommend that the same be amended as follows:

In line 2 of the title of the printed bill, strike out the words "North Dakota," and insert in lieu thereof the word "of".

In Section 1, line 2, of the printed bill, strike out the words "North Dakota" and insert in lieu thereof the word "of".

And when so amended recommend that the same do pass.

J. K. BROSTUEN,  
Chairman.

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

The Committee on Taxes and Tax Laws made the following report:

Mr. President: Your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 67, have had the same under consideration and recommend that the same be amended as follows:

In lines 1 and 2 of the title of the printed bill, strike out the following language: "Tax upon the sale of Personal Property, Sales of Equipment, Medicine, Drug or," and insert in lieu thereof the following: "Sales tax upon the sale of".

In line 3 of the title of the printed bill, strike out the words "or supplies".

In Section 1, line 2, of the printed bill, following the word "imposed," strike out the words "upon the proceeds".

In line 3, of Section 1, of the printed bill, strike out the words "of the sale of personal property".

In line 4, Section 1, of the printed bill, strike out the words "equipment, medicine, drugs or," and following the word "materials" in the same line, strike out the words "or supplies".

In Section 2, line 2, of the printed bill, strike out the words "such equipment, medicine, drugs or," and following the word "materials" in the same line, strike out the word "or".

In line 3, of Section 2, of the printed bill, strike out the word "supplies".

And when so amended recommend that the same do pass.

J. K. BROSTUEN,  
Chairman.

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

Senator Strehlow requested an extension of time on Senate Bill No. 22.

Which request was granted.

Senator Whelan called attention to motion made by him yesterday requesting the State Hail Insurance Commission to submit copies of booklet entitled "Apparent Irregularities in the State Hail Insurance Department," and requested the Secretary to make a report on what had been done toward securing this information.

The Secretary reported that he had called at the office of the Insurance Commissioner and the Attorney General, and was informed that they had no copies of such report in their possession.

Senator Whelan said that he had on his desk a copy of a 15 page booklet entitled "Report of Apparent Irregularities in the State Hail Insurance Department," prepared by Harold Hopton, former Insurance Commissioner.

In addition there was attached thereto an affidavit from the Bismarck Tribune, signed by its manager, stating that they had, on Dec. 31, 1936, received a state requisition directing them to print 750 copies of such report; that on Jan. 4, 1937, such copies were delivered to the Hail Insurance Department and receipted for; that the bill for such printing was still unpaid.

Senator Whelan asked what disposition the Senate wished to make of the matter.

Senator Watt moved that such printed material be referred to the Insurance Committee.

Which motion prevailed.

#### FIRST READING OF SENATE BILLS

Senator Thatcher introduced:

##### SENATE CONCURRENT RESOLUTION "H"

"Election, Terms, County Officers."

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

The Committee on Women's and Children's Welfare introduced:

Senate Bill No. 98. A Bill for an Act to Promote the Public Welfare by Providing Aid to the Needy Blind.

Was read the first time and referred to the Committee on Women's and Children's Welfare.

Senators Mutchler, Kamrath, Blaisdell, Cain and Fine introduced:

Senate Bill No. 99. A Bill for an Act Appropriating Money for the School of Mines at the University of North Dakota, to Supplement Federal Funds for the Investigation and Development of the Mineral Resources Within the Bounds of the State of North Dakota.

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

#### FIRST READING OF HOUSE BILLS

House Bill No. 15. A Bill for an Act to Encourage the Investment of Moneys in the State of North Dakota, and to Encourage the Development of the Natural Resources of this

State, and to Provide a Market for the Gas and Oil Deposits in this State, Including Those Owned by the State of North Dakota, and the Counties Thereof, and to Permit the Marketing of Such Natural Resources Through Interstate Pipe Lines, by Selling Therefrom to the State, County, and School Districts of Gas and Oil, Upon Condition that the Seller Purchase from Production or Produce in this State an amount of Gas or Oil at Least Equivalent to the Amount it Delivers to Said State, County and School District Building, and Requiring Such Sellers to Make Reports of Its Sale and Purchases and Production, Under Oath, and Providing a Penalty for Violation Thereof.

Was read the first time and referred to the Committee on Mines and Minerals.

House Bill No. 16. A Bill for an Act to Encourage the Investment of Capital in the State of North Dakota in Connection with the Business of Securing, Saving, Storing and Refining of Petroleum and Petroleum Products, and to Fix and Determine a method for the Finding and Fixing a Limitation on Valuations Thereof for the Purposes of Taxation.

Was read the first time and referred to the Committee on Mines and Minerals.

House Bill No. 17. A Bill for an Act to Authorize the Board of County Commissioners of the Counties in the State of North Dakota, to Make, Execute and Deliver, on Behalf of the County, Leases and Other Contracts for the Purpose of Mining, and Operating for Oil and Gas, Lay Pipe Lines, and for Establishing and Maintaining Tanks, Power Stations and Structures Thereon, to Produce, Save, Sell and Take Care of Said Products, Together with Power and Authority to Include in the Provisions of Said Leases Any and All Provisions Which Would Be Within the Power of an Individual owner to Make, With Certain Limitations, and Providing for the Distribution of Moneys Received from Said Leases.

Was read the first time and referred to the Committee on Mines and Minerals.

House Bill No. 19. A Bill for an Act to Provide for the Distribution of all Moneys Received From the Treasury of the United States, Under the Provisions of the Act of Congress of February 25, 1920 (Public Number 146) to Place the Same in the State Equalization Fund of the State of North Dakota, and to Be Distributed as Provided by Chapter 260 of the Laws of the State of North Dakota for 1935.

Was read the first time and referred to the Committee on Mines and Minerals.

House Bill No. 30. A Bill for an Act Making a Special Appropriation for the General Maintenance, Improvements and Repairs and Equipment for the New Addition to the Infirmary of the State Tuberculosis Sanatorium at San Haven, North Dakota, from April 1, 1937, to June 30, 1937, and Declaring an Emergency.



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

House Bill No. 37. A Bill for an Act to Amend and Re-enact Section 1160 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to the Organization of Common School Districts.

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

House Bill No. 58. A Bill for an Act to Amend and Re-enact Section 3352 of the 1913 Compiled Laws of North Dakota.

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

Senator Whelan requested that the Senate return to the 7th order of business, which request was granted.

Senator Whelan stated that 10 days ago request was made of various state departments to submit report of sale, transfer and ownership of state bonds. To date certain departments had not complied with this request. Senator Whelan moved that the Secretary be instructed to ask that these reports be speeded up. The motion prevailed, and the Secretary was so instructed.

The following addresses were a part of the proceedings of the Joint Session held Jan. 22nd, at which time painting of Declaration of Independence was presented to the State by Mr. G. I. Gulliksen of Grand Forks.

#### JOINT SESSION

Lieutenant-Governor Thoresen:

Members of the Legislative Assembly, Ladies and Gentlemen: The painting which is about to be presented to this Legislative Assembly, and to the people of North Dakota, deals with characters in our history. As the author of this painting, as well as the committee in charge, looked for the one who would be the most suitable to present this gift to us, they selected a person who is well known to all of us, and who is particularly qualified in dealing with the subject of this work of art. He is a profound student of our own history, he knows the characters involved in our early days, and so I think it is very fitting and proper that Mr. Gulliksen, the artist, has asked our Chief Justice to address you on his behalf, in presenting this painting. So I take great pleasure at this moment in calling upon our distinguished fellow citizen, the Honorable Chief Justice of the Supreme Court of North Dakota, Justice A. M. Christianson.

Chief Justice Christianson:

Mr. President, Members of the Legislative Assembly, Ladies and Gentlemen: Much as we may differ on various matters, I believe that I speak the sentiments of every person here when I say we are agreed upon one thing, and that is that

we are living in the most blessed country upon the face of the earth. That in spite of all the troubles and vicissitudes through which we have passed, through which we are passing, and which lie ahead of us, there is greater happiness, greater hope and greater opportunity over here for the sons and daughters of men than in any other place or under any other flag in the world. It is well that once in a while we take our minds off our own troubles and look back and see from whence came these institutions under which we are living, and which we are enjoying.

At the beginning of this session I administered to each of you members of the Legislative Assembly an oath of office, wherein among other things, and as your first obligation, you swore you would support the Constitution of the United States of America. It is by virtue of that Constitution that this state came into being. But beyond the Constitution, before it came into existence, there existed a very definite political philosophy in America. There existed governments in the several colonies, and very definite political ideas had come into being, and it was in fact because of a clash between the ideas which prevailed in the colonies and those entertained by the ruling class, and especially by the King, across the seas, that we became an independent nation, and that the event which we see depicted on the painting about to be unveiled, came to pass. For, as you are aware, the painting which is about to be unveiled, is one dealing with the signing of the Declaration of Independence.

When the Continental Congress passed the resolution offered by "Light-Horse Harry Lee" that the colonies were, and of right ought to be, free and independent states, the members of the Continental Congress felt that upon an occasion of that kind it was not sufficient merely to pass a resolution that had been offered orally in that body; they felt that the occasion was one of such tremendous importance that it was essential to select a committee to give careful consideration to the Declaration that should be made, because they did not want to make any mistake in what they were about to say. And so they selected for that committee some of the ablest members of that Congress—some of the greatest men that ever lived, Thomas Jefferson, Benjamin Franklin, John Adams, Robert Livingstone and Roger Sherman. The actual work of preparing the Declaration, as you are all aware, was done by Thomas Jefferson. As I read his writings, the only members who actually lent any assistance, so far as criticism is concerned, and who suggested changes (which were very slight), were Benjamin Franklin and John Adams. And the painting which you are about to witness shows these three dominant members of the committee.

Those were tremendous and troublous times. Feeling ran high; British soldiers were in possession of all the chief cities of America; the British Navy was in control of the sea. The framers enumerated in the Declaration a number of the wrongs which they claimed the colonies had sustained at the hands of the Sovereign, which wrongs, they said, forfeited his right to any allegiance or loyalty from the colonists. You would have supposed that under those circumstances, they

might not have been so much concerned with what anybody else thought about what they said. And yet, at the very beginning, in the first sentence, they said:

“When in the course of human events it becomes necessary for one people to dissolve the political bonds which have connected them with another, and to assume among the Powers of the earth the separate and equal station to which the Laws of Nature and of Nature’s God entitle them, a decent respect for the opinions of mankind requires that they should declare the causes which impel them to the separation.”

So even at that time, with feeling running high as it did, they said: “We are not going to flaunt the decent opinions of mankind.” They did not do like some of the dictators of today are doing—care naught about whether they flaunt every decent opinion of mankind. They said: “We are going to have respect for the decent opinions of mankind.” And then they proceeded to lay down the political philosophy which distinguished America, and which still distinguishes America and the democracies which have patterned after her, from all the governments that have preceded or that exist today. They said:

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.”

For the first time in the world’s history it was declared in a Charter of Government, that government is the servant and not the master, and that the great reason for the existence of government is to protect and preserve to the individual citizen his or her “inalienable rights.”

But those men were honest enough to realize and to say that government does not establish itself. That it makes no difference what fine or persuasive words you may use in a declaration, it takes struggle and sacrifice to give the words effect. So, at the end they said:

“And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes and our sacred honor.”

These words were not used merely for rhetorical effect. The men who framed and signed the Declaration of Independence were men of high intelligence. They had no false illusions as to the seriousness of the step they were taking. They realized that if the Declaration that they had signed and were about to promulgate to the world should be anything but a lot of high sounding phrases and, in effect, become anything but a living lie, it would be essential to support that Declaration with sacrifice, treasure and blood. It was a sincere and honest pledge which they expected that they and their fellow-countrymen would be required to redeem in a very real sense.

In the evening of the day the Declaration of Independence was promulgated John Adams sat down and wrote a letter to his wife. After referring to the day that had passed he said:

"I am apt to believe that this day will be celebrated by succeeding generations as the great anniversary festival. You will think me transported with enthusiasm, but I am not. I am well aware of the toil, and blood, and treasure that it will cost us to maintain this Declaration, and support and defend these states. Yet, through all this gloom I can see the rays of ravishing light and glory. I can see that the end is more than worth all the means, and that our posterity will triumph in that day's transaction, even though we should rue it—which I trust in God we shall not."

So you see, when John Adams signed the Declaration of Independence wherein he pledged his life, his fortune and his sacred honor, he was not merely saying something for effect; he fully believed that he and the other signers might be required to redeem their pledge. In the letter to his wife, that I have just read, he confirmed the sincerity of the pledge he had made in the Declaration.

I think it is peculiarly fitting that there should be present in a legislative body the figures on the painting which is about to be unveiled—Thomas Jefferson, the flaming, uncompromising evangel of Democracy; Benjamin Franklin, the moderate Liberal, one of the wisest men of all times, the man who counted among his friends extreme radicals and arch-conservatives, a man who could see the viewpoint of all men, see the good that was in them and discount the bad; and that great Conservative, John Adams. Those three men, differing as they did on many and many a political question, on that great occasion worked together like the fingers on a hand to perform a common task. There was no difference of opinion here; there was no struggle for individual gain. When the welfare of their common country became an issue all personal differences were forgotten. They agreed upon a common course leading to a common end and pledged their all to insure success. They then staked, and throughout the years that followed continued to stake, their lives, their fortunes and their sacred honor, to give verity and vitality to what they had said in the Declaration.

It may not be amiss to mention briefly one of the many admirable traits of character of Benjamin Franklin. A trait all of us, and especially members of a deliberative body, may well consider and emulate. When, after months of arduous labor, the Federal Constitution had been framed, there was bitter opposition to some of its provisions by some of the members of the convention. Franklin arose and gave the only address of any length that he made during the deliberations of the convention. He said:

"I confess that I do not entirely approve of this Constitution at present; but, I am not sure I shall never approve it, for, having lived long, I have experienced many instances of being obliged, by better information or fuller consideration, to change opinions even on important sub-

jects, which I once thought right, but found to be otherwise. It is therefore that, the older I grow, the more apt I am to doubt my own judgment of others. On the whole, I cannot help expressing a wish that every member of the convention who may still have objections to it, would, with me, on this occasion, doubt a little of his own infallibility, and, to make manifest our unanimity, put his name on this instrument."

Observe, if you please, the modesty, the kindly tolerance and respect for the views of others, the recognition of the need for common counsel and the acceptance of the honest judgment of the deliberative body of which he was a member.

Let us hear from that great apostle of Democracy, Thomas Jefferson. I know of no more suitable message to a legislative body than that which he delivered in his first inaugural address. He said:

"During the contest of opinion through which we have passed, the animation of discussions and of exertions has sometimes worn an aspect which might impose on strangers unused to think freely and to speak and write what they think; but this being now decided by the voice of the nation, announced according to the rules of the Constitution, all will, of course, arrange themselves under the will of the law, and unite in common efforts, for the common good. All, too, will bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will, to be rightful, must be reasonable; that the minority possess their equal rights, which equal law must protect, and to violate would be oppression. Let us then, my fellow citizens, unite with one heart and one mind; let us restore to social intercourse that harmony and affection without which liberty and even life itself, are but dreary things."

It is eminently fit and proper that in this capitol building there should be displayed a painting showing these three great men engaged in preparing the immortal document which is truly the birth certificate of the American nation. It is indeed fit and proper that that historic incident and the figures of those three great Americans should be before the men and women of North Dakota who now are engaged in making, and throughout the years to come will make, the laws of the State of North Dakota. And it is, I think, peculiarly fitting that this painting should be presented to you at this time. Again we are engaged in a great struggle throughout the world, testing whether "government of the people, by the people, and for the people" can long endure. Across the seas, in most places, democracy is being sneered at as something purely idealistic and wholly unworkable. Again the theories on which our government was founded are being put to the test; and I believe it is wholly desirable that those who make our laws should at all times have before them the likenesses of the men who believed so greatly, who dared so much, and who wrought so wisely and courageously, not only for themselves but for the generations to come, generations of which we are one. It is also fitting that this

painting should be presented to the people of the State of North Dakota by one who, like myself, came across the seas to gain here the benefit of the free institutions, for the establishment of which the framers of the Declaration of Independence and their compatriots risked and gave so much—that it should be presented by one who came here for the purpose of sharing in those free institutions, who has enjoyed the opportunities which they have made possible and who, out of the gratitude of his heart, desires to leave in the capitol of this state, of which he has so long been a useful and respected citizen, this painting commemorative of one of the greatest events, not only in the history of America, but in the history of all the world—one of the great milestones on the highway of human progress.

So, Mr. Gulliksen, it is indeed a great pleasure and a real privilege to be permitted, on your behalf, to present to the people of the state of North Dakota, through its representatives in the legislative assembly, this gift, as a token of your good will, and as an evidence of your faith in the institutions which you have come to love and treasure. And now on behalf of Mr. Gulliksen, I present to you, members of the North Dakota legislative assembly, the painting which is about to be unveiled. In doing so, may I be permitted to express the hope that you and those who in years to come shall sit in these chairs and make our laws will be guided by the high ideals and principles which actuated Jefferson, Franklin and Adams. That like them, you and those who come after you, will place public duty first, and work together to promote the general welfare. That when the welfare and interest of the people of the state are at stake you will lay aside individual differences and, like those three men who differed on so many subjects, stand firmly together in the declaration of that which is right to the end that the people of this state throughout the generations to come, may have the blessings of those institutions which that immortal document declares to be the true institutions of free government. I present this painting to you for the people of the State of North Dakota with the full faith that throughout the years to come no action will be taken in these legislative halls that will detract from the principles of our immortal charter of human rights—principles for which the men shown in this painting risked, and were willing to give their lives, their fortunes and their sacred honor.

Let the painting be unveiled.

Lieut.-Gov. Thoresen:

In accepting, on behalf of the Senate and the House of Representatives of the Twenty-fifth Legislative Assembly of the State of North Dakota, and on behalf of the people of the state, this work of art, we thank you, Mr. Gulliksen, and bestow the appreciation and gratitude of the people of the great state upon you, as one of its outstanding and illustrious citizens who has done much in the years gone by to promote progress and bring glory to our state. In the many years of your active life, you have done much to bring forth the best thoughts among your fellow men. In honoring you we honor

ourselves, and add more lustre to the achievements of our state.

As I view this work of art it gives me a thought that should give us hope and courage in this reconstructive period of our age. As you will note, these founders of our republic also had their trials and difficulties. Upon the floor are scraps, and pieces of paper which to me mean much. It symbolizes so vividly the development of our country—that of experimentation, trial and error, but also courage to continue until success shall crown our efforts. I wish it was possible for every citizen to visit these historic places and view the spot where this scene took place. I know it would make better citizens of us all. It is well for any people at times to forget about the eternal struggle for an existence; to forget about the material things of life and raise our eyes to that which develops the soul of man and sets him above and over all other creations.

A few years ago I had the privilege of visiting some of these places which are the cradles of our country's birth. As I stood in Independence Hall in Philadelphia and there viewed the scenes of the past and saw the Bell of Liberty that had tolled out the message of the birth of a nation, and then as I went to Valley Forge close by and saw there the battle field of a century and a half ago and visualized the blood-stained path of the pioneers of progress, my spirit knelt in humbleness and I too asked that I might be imbued in goodly portion with the spirit of those who gave that we might live—the spirit of service through sacrifice.

We have been characterized as a nation of hero-worshippers. May that idealism never wane. May there continue to be in the future as there has been in the past, pilgrimages to Mount Vernon; and may the interest in that place and its memories never fade. May we make pilgrimages to Monticello, and there tread softly over the green turf that was once pressed by the feet of the great commoner and statesman, Thomas Jefferson. May we continue to go to that little old church at New Richmond, Virginia, and there breathe again the spirit of him who said, "Give me liberty, or give me death." May we, as we pass Trinity Church yard in New York, do as thousands have done before us, bare our heads as we read upon the marble, "Alexander Hamilton." May we continue to go to Plymouth Church yard in Boston and reverently pause before that simple slab marked "Sam Adams"; and then let us go to Concord and visit Sleepy Hollow where rests the dust of Ralph Waldo Emerson, and let us not forget the mothers of mankind, and so let us proceed to Spencer county, Indiana, and let us stop at the railway station and walk up the mountain side to a little grave where sleeps Nancy Hanks, the mother of Abraham Lincoln. May we continue to go to Springfield, Illinois, and bow our spirits before the shrine of the savior of the Union and the liberator of men, Abraham Lincoln.

So in the name of the people of the state of North Dakota we accept this work of art and shall place the same in the Hall of Fame, there to be a constant reminder of those who,

with their human frailties and shortcomings, but with the undaunted spirit of noble men, gave to us the greatest of all human heritages, a great Republic and a true Democracy.

#### COURTESIES OF THE FLOOR

The courtesies of the floor were extended to:

R. E. Reynolds, Fargo; N. A. Schall, Simon Koenig, Peter Bischoff, Dennis Schwan, Brunna Kuntz, Rugby; Lester G. Orcutt, Titus Richards, Fargo; Rev. William P. Gerberding, F. R. Knautz, Fargo; Charles Murphy, Allen McManus, C. W. Renharth, Grand Forks.

Senator Gilbertson moved that the Senate do now adjourn.

Which motion prevailed.

The Senate stood adjourned.

THOMAS McDONALD,  
Secretary.



TWENTY-FOURTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
January 28, 1937.

The Senate convened at 2:00 p. m., pursuant to adjournment, the President presiding.

Prayer by the Chaplain, Rev. N. E. Elsworth, Bismarck.

Roll Call: All members present except Senator Hulteng.

Senator Lian moved the absent Senators 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 23rd day and find the same to be correct.

We recommend that the same be approved.

C. C. MORRISON,  
Chairman.

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

PETITIONS AND COMMUNICATIONS

The following petitions and communications were received, read from the desk, and referred to the appropriate committees:

A communication signed by 65 citizens and taxpayers of Beulah, N. Dak., requesting legislation requiring that native lignite coal be used for fuel in various state institutions, county buildings and public schools.

A communication signed by the manager of the Sheyenne Valley Creamery of Kathryn, N. Dak., asking changes in certain dairy laws, asking that Section 3 of House Bill No. 81 be amended to remove contradictory features, and inquiring as to necessity for license to buy poultry.

A telegram signed by County Commissioners and Officers of Eddy County, urging passage of House Bill No. 70.

A telegram from County Auditor Felson of Pembina County opposing increase in tax base from 50% to 100%.

A petition signed by 31 citizens and voters of Marion, N. Dak., requesting change in game laws to protect the red fox.

A communication signed by Russell Reid, State Procurement Officer, submitting report of expenditures from appropriation granted that office.

A communication from State Insurance Commissioner O. E. Erickson relative to the request of the Senate for copies of pamphlet dealing with that department.

#### SENATE COMMITTEE ON ENROLLMENT AND ENGROSSMENT

The Committee on Enrollment and Engrossment made the following report:

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

Senate Bill No. 84. A Bill for an Act to Amend and Re-enact Section 8247a21 of the 1925 Supplement to the Compiled Laws, North Dakota, 1913, Relating to Lien of Assessments in Irrigation Districts, Giving the Same Equality as Liens with General Taxes and Sale Thereof, Repealing All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Also,

Senate Bill No. 67. A Bill for an Act Exempting from any Tax Upon the Sale of Personal Property, Sales of Equipment, Medicine, Drugs or Building Materials or Supplies to Institutions of Public Charity, Including Public Hospitals Under Control of Religious or Charitable Societies, Although Contract or Agreement to Purchase Such Property was Previously Entered Into; and Declaring an Emergency.

Also,

Senate Bill No. 46. A Bill for an Act to Amend and Re-enact Section 2092a1, Supplement to the Compiled Laws of 1913, Relating to Tax Commissioner.

Also,

Senate Bill No. 52. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State School of Forestry, Bottineau, North Dakota.

Also,

Senate Bill No. 57. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and

Repairs, Equipment and Miscellaneous Items of the State Normal School, Minot, North Dakota.

And find the same correctly Engrossed.

WILLIAM KROEBER,  
Chairman.

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

#### REPORTS OF STANDING COMMITTEES

The Committee on Taxes and Tax Laws made the following report:

Mr. President: Your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 89, have had the same under consideration and recommend that the same be amended as follows:

In the title of the Bill, strike out the "period" after the word "equalization" add a "comma" and add the following: "and repealing all acts in conflict herewith".

And when so amended, recommend that the same do pass.

J. K. BROSTUEN,  
Chairman.

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

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 3, have had the same under consideration and recommend that the same do pass.

J. P. CAIN,  
Chairman.

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

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 83, have had the same under consideration and recommend that the same be amended as follows:

After the name "Young" on heading of the Bill, insert a comma and add the name "Coffey".

In lines 1 and 2 of the title of the printed Bill, correct the spelling of the word "emergency".

In line 1, of Section 2, of the printed Bill, insert the letter "(a)".

After the word "notice" in line 28, of Section 2, insert the letter "(b)" and add the following:

“When any mortgagee or lienor, vendor of the assignee of either desires to foreclose any mortgage or lien or cancel any contract for the sale of land, he shall first make application to the District Court of the County where the property is situated, or if situated in more than one County, then in the County in which the instrument creating the obligation was first filed, for permission to foreclose such mortgage or lien or cancel such contract, as the case may be. Upon the filing of the application as aforesaid, the Court shall by letter addressed to the mortgagor, lienee or vendee, as shown by the instrument of record, and if no address is shown, then to the postoffice nearest to the property in question, notifying such party to appear before the court at a time fixed by the court, which shall not be more than fifteen days after the date of the notice to show cause if any he has why the application should not be granted. The hearing on the application shall be informal, the court shall inquire into the equities existing between the parties, the ability of the mortgagor, lienee, or vendee to pay the amount due or any part thereof at the present time, the question of taxes and all facts and circumstances in the particular case; and after such hearing the court shall issue its order permitting the foreclosure of the mortgage or lien or the cancellation of the contract, or delaying for such time as in the judgment of the court is fair and just the foreclosure of the mortgage or lien or the cancellation of the contract, and fixing the time when, pursuant to the provision of this Act, such mortgagee, lienor or vendor shall be permitted to institute such action.

And when so amended, recommend that the same do pass.

J. P. CAIN,  
Chairman.

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

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 91, have had the same under consideration and recommend that the same do pass.

J. P. CAIN,  
Chairman.

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

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 92, have had the same under consideration and recommend that the same be indefinitely postponed.

J. P. CAIN,  
Chairman.

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

## MESSAGE FROM THE HOUSE

House Chamber,  
Bismarck, North Dakota,  
January 28, 1937.

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

House Bill No. 32. A Bill for an Act to Amend and Re-enact Section 1 and 2 of Chapter 195 of the Session Laws for 1935, Relating to Funding and Refunding Existing Indebtedness of Municipalities, and Declaring an Emergency.

Also

House Bill No. 21. A Bill for an Act Defining the Practice of Naturopathy in the State of North Dakota; Establishing a Board of Naturopathic Examiners; Outlining Their Duties; Specifying Their Compensation; Providing Penalties for Violation; repealing Acts or Parts of Acts in Conflict Herewith and Declaring an Emergency.

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

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

## REPORT OF STANDING COMMITTEES

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 72, have had the same under consideration and recommend that the same be indefinitely postponed.

J. P. CAIN,  
Chairman.

Senator Cain moved that the report be adopted.

Senator Skarvold moved, as a substitute motion, that Senate Bill No. 72 be recommended for passage.

Roll call demanded and granted.

## ROLL CALL

The question being on the motion by Senator Skarvold that Senate Bill No. 72 be recommended for passage, the roll was called and there were ayes, 26; nays, 22; absent and not voting, 1.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Lemke	Stucke
Brostuen	McGillic	Thatcher
Ettestad	Morrison	Thorson

Messrs.	Messrs.	Messrs.
Fine	Mutchler	Trout
Greene	Nelson, Barnes	Vinje
Johnson	Olson	Williams
Kamrath	Owings	Wog
Kolpin	Skarvold	Young
Lavik	Streibel	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Gilbertson	Lynn
Blaisdell	Gronvold	Magoffin
Cain	Guenther	Nelson, Grand Fks.
Coffey	Guthrie	Strehlow
Crandall	Kroeber	Topp
Drew	Lian	Watt
Fowler	Lowe	Whelan
Fredrickson		

Absent and not voting:

Messrs.  
Hulteng

So the motion prevailed.

#### EXPLANATION OF VOTE

Senator Coffey: I am going to vote "no" on this motion. I am not against doing away with deficiency judgments but I feel that this bill, as written, is too broad and takes in much more than that. For that reason I am going to vote "no."

Senator McGillic: I am going to vote "aye" on this bill for the purpose of getting it before this body. If there are further amendments to offer that will make it workable, I would like to have it done. I vote "aye."

Senator Fowler moved that Senate Bill No. 72 be re-referred to the Judiciary Committee, which motion prevailed.

#### REPORTS OF STANDING COMMITTEES

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 53, have had the same under consideration and recommend that the same be amended as follows:

In line 3 of Section 1 of the engrossed bill, strike out the figures "\$93,857.00" and insert in lieu thereof the figures "\$88,926.00".

Under item "SALARY AND WAGES" line numbered 5, strike out "10%", and insert the words "(To be applied on salaries under \$2,000.00)" in parenthesis.

In the same line strike out the figures "8,687.00" and insert in lieu thereof the figures "2,606.00."

Under "OPERATING EXPENSE," line numbered 3, item "Telephone, Telegraph, Postage" strike out the figures "800.00" and insert in lieu thereof the figures "1,100.00".

In line 5, item "Insurance, Bonds, etc.," strike out the figures "2,250.00" and insert in lieu thereof the figures "1,250.00".

In the following line, "Printing," strike out the figures "800.00" and insert in lieu thereof the figures "1,000.00".

In line 11, item "Janitor' Supplies" strike out the figures "800.00" and insert in lieu thereof the figures "1,000.00".

In line 12, item "Students' Welfare" add a comma and the words "Hospitalization, and Medical Service." In the same line strike out the figures "500.00" and insert in lieu thereof the figures "1,250.00".

In line 15, item "Car and Truck Maintenance," strike out the figures "200.00" and insert in lieu thereof the figures "900.00".

Correct the total, following "TOTAL MAINTENANCE", by striking out the figures "\$117,707.00" and insert in lieu thereof the figures "\$112,776.00".. Correct the total following "NET MAINTENANCE", by striking out the figures "\$75,707.00", and insert in lieu thereof the figures "\$70,776.00." In the last line of the bill, correct the TOTAL by striking out the figures "\$93,857.00" and insert in lieu thereof the figures "\$88,926.00".

And when so amended recommend the same do pass.

B. W. LEMKE,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 55 have had the same under consideration and recommend that the same be amended as follows:

In line 3 of section 1 of the engrossed bill, strike out the figures "\$282,113.63" and insert in lieu thereof the figures "\$265,250.00".

Under item "SALARIES AND WAGES" line numbered 3, strike out the figures "30,000.00" and insert in lieu thereof the figures "27,000.00".

In line 5 strike out "10%" and insert the following words in parenthesis "(To be applied on salaries under \$2,000.00)".

In same line strike out the figures "22,239.00" and insert in lieu thereof the figures "6,670.00".

Under "OPERATING EXPENSE", line numbered 5, item "Insurance, Bonds, etc.," strike out the figures "2,054.63" and insert in lieu thereof the figures "4,110.00".

In line 12, item "Students' Welfare" strike out the figures "1,500.00" and insert in lieu thereof the figures "1,250.00".

Correct the total, following the words "TOTAL MAINTENANCE" by striking out the figures "\$309,538.63" and insert in lieu thereof the figures "\$292,775.00".

Correct the total following the words "NET MAINTENANCE" by striking out the figures "\$229,538.63" and insert in lieu thereof the figures "\$212,775.00".

Under "MISCELLANEOUS ITEMS" strike out all of line numbered 2, and renumber the following line.

In the last line of the bill, correct the total by striking out the figures "\$282,113.63" and insert in lieu thereof the figures "\$265,250.00".

And when so amended recommend the same do pass.

B. W. LEMKE,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 58, have had the same under consideration and recommend that the same be amended as follows:

In line 3 of the engrossed bill, strike out the figures "\$186,714.00" and insert in lieu thereof the figures "\$163,444.00".

Under item "SALARIES AND WAGES" line numbered 4, strike out "10%" and insert the following words in parenthesis "(To be applied on salaries under \$2,000.00)". In the same line, strike out the figures "13,530.00" and insert in lieu thereof the figures "4,060.00".

Under item "OPERATING EXPENSE," line numbered 2, item "Light, Power, Water, Gas," strike out the figures "7,000.00" and insert in lieu thereof the figures "6,000.00".

In line 3, item "Telephone, Telegraph, Postage," strike out the figures "2,200.00" and insert in lieu thereof the figures "1,800.00".

In line 6, item "Printing," strike out the figures "2,000.00" and insert in lieu thereof the figures "1,500.00".

In line 10, item "Power House Supplies," strike out the figures "1,500.00" and insert in lieu thereof the figures "1,200.00".



In line 13, item "Contract Renewal of Typewriter," strike out the figures "1,200.00" and insert in lieu thereof the figures "1,000.00".

Correct the total, following the words "TOTAL MAINTENANCE" by striking out the figures "\$189,089.00" and insert in lieu thereof the figures "\$177,219.00".

Correct the total following "NET MAINTENANCE" by striking out the figures "\$159,089.00" and insert in lieu thereof the figures "\$147,219.00".

Under item "IMPROVEMENTS AND REPAIRS" in line 2, "General Repairs and Upkeep," strike out the figures "2,500.00" and insert in lieu thereof the figures "2,000.00".

In line 4, item "Dig Well and Equip Pump Station," add a comma and the following words: "To be paid from present Emergency Fund". In the same line, strike out the figures "6,000.00".

Under the item "NEW BUILDINGS" in line 1, strike out the figures "5,000.00" and insert in lieu thereof the figures "2,500.00".

Under the item "EQUIPMENT," in line 1, "Gymnasium and Physical Education," strike out the figures "1,000.00" and insert in lieu thereof the figures "500.00".

In line 5, "Class Room Equipment," strike out the figures "400.00" and insert in lieu thereof the figures "250.00".

In line 6, "Laboratory Equipment and Supplies," strike out the figures "1,000.00" and insert in lieu thereof the figures "800.00".

In line 9, "Library Books, Periodicals, Supplies," strike out the figures "5,000.00" and insert in lieu thereof the figures "3,500.00".

Strike out "MISCELLANEOUS ITEMS" and strike out all of the following line.

Correct the total in the last line of the Bill by striking out the figures "\$186,714.00" and insert in lieu thereof the figures "\$163,444.00".

And when so amended recommend the same do pass.

B. W. LEMKE,  
Chairman.

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

Senator Whelan called attention to the Journal of January 27th, page 237, wherein the Secretary had reported that he had called at the office of the Insurance Commissioner and Attorney General and had been informed they had no copies of the pamphlet entitled "Apparent Irregularities in the Hail Insurance Department" in their possession. Senator Whelan also called attention to the letter received from the

Insurance Commissioner stating that upon payment of bill for printing same, he would turn such pamphlets over to the Senate.

Senator Whelan moved that the Secretary be instructed to demand of the Insurance Commissioner that he deliver such pamphlets to the Senate at once.

Senator Morrison moved that Senator Whelan's motion be laid on the table, which motion was lost. The question then being on the motion of Senator Whelan, the motion prevailed.

### SECOND READING OF SENATE BILLS

Senate Bill No. 52. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State School of Forestry, Bottineau, North Dakota.

Was read the second time.

Senator Lemke moved that Senate Bill No. 52 be further amended as follows:

Under item "Salaries and Wages," line 5, strike out "3%" and insert the following: "to be applied upon salaries under \$2,000.00"; also under item "Miscellaneous Items," strike out all of line 2 and renumber the following line; and in last line, correct the total by striking out the figures "\$62,933.10" and inserting in lieu thereof the figures "\$62,883.10".

Which motion prevailed.

Senator Thatcher moved that the rules be suspended and Senate Bill No. 52 be considered properly re-engrossed, and placed upon Second Reading and Final Passage, as amended.

Which motion prevailed.

### ROLL CALL

The question being on the final passage of Senate Bill No. 52, as amended, the roll was called and there were ayes, 45; nays, 0; absent and not voting, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Nelson, Grand Fks.
Bilden	Johnson	Olson
Blaisdell	Kamrath	Owings
Brostuen	Kolpin	Skarvold
Coffey	Kroeber	Strehlow
Crandall	Lavik	Streibel
Drew	Lemke	Stucke
Ettestad	Lian	Thatcher
Fine	Lowe	Thorson
Fowler	Lynn	Topp
Fredrickson	Magoffin	Trout
Gilbertson	McGillic	Vinje
Greene	Morrison	Watt
Gronvold	Mutchler	Whelan
Guenther	Nelson, Barnes	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Cain	Williams	Wog
Hulteng		

So the bill passed and the title was agreed to.

Senate Bill No. 57. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items of the State Normal School, Minot, North Dakota.

Was read the second time.

Senator Lemke moved that Senate Bill No. 57 be further amended as follows:

Under the item "Salaries and Wages," line 5, strike out "3¢" and insert the following: "(to be applied upon salaries under \$2,000.00)".

Which motion prevailed.

Senator Lemke moved that the rules be suspended and Senate Bill No. 57 be considered properly re-engrossed, and placed upon Second Reading and Final Passage, as amended.

Which motion prevailed.

ROLL CALL

The question being on the final passage of Senate Bill No. 57, as amended, the roll was called and there were ayes, 46; nays, 0; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Olson
Bilden	Kamrath	Owings
Blaisdell	Kolpin	Skarvold
Brostuen	Kroeber	Strehlow
Coffey	Lavik	Streibel
Crandall	Lemke	Thatcher
Drew	Lian	Thorson
Ettestad	Lowe	Topp
Fine	Lynn	Trout
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young
Guthrie		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Cain	Hulteng	Stucke

So the bill passed and the title was agreed to.

Senate Bill No. 45. A Bill for an Act Making an Appropriation for the Payment of Expenses to Be Incurred and Premiums Paid by the North Dakota State Turkey Show.

Was read the second time.

Following extended debate, Senator Blaisdell moved the previous question.

### ROLL CALL

The question being on the final passage of Senate Bill No. 45, the roll was called and there were ayes, 33; nays, 13; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Johnson	Mutchler
Blaisdell	Kamrath	Nelson, Barnes
Brostuen	Kolpin	Nelson, Grand Fks.
Cain	Kroeber	Skarvold
Ettestad	Lavik	Strehlow
Fine	Lemke	Stucke
Fowler	Lian	Thorson
Fredrickson	Lowe	Vinje
Gilbertson	Lynn	Williams
Gronvold	Magoffin	Wog
Guthrie	McGillic	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Streibel
Coffey	Morrison	Topp
Crandall	Olson	Watt
Drew	Owings	Whelan
Greene		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Hulteng	Thatcher	Trout

So the bill passed and the title was agreed to.

Senator Ettestad moved that the vote by which Senate Bill No. 45 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 46. A Bill for an Act to Amend and Re-enact Section 2092a1, Supplement to the Compiled Laws of 1913, Relating to Tax Commissioner.

Was read the second time.

Senator Fowler moved that Senate Bill No. 46 be amended as follows:

On page 2 of the printed bill, line 14, strike out the words "two-thirds" and insert in lieu thereof the word "majority."

Which motion prevailed.

Senator Stucke moved that Senate Bill No. 46 be further amended as follows:

On page 1, line 7, of the printed bill, following the word "State" insert a period and strike out the balance of the sentence in line 7 and part of line 8.

Which motion prevailed.

### ROLL CALL

The question being on the final passage of Senate Bill No. 46, as amended, the roll was called and there were ayes, 36; nays, 11; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Gronvold	Nelson, Barnes
Blaisdell	Guenther	Nelson, Grand Fks.
Brostuen	Johnson	Owings
Cain	Kolpin	Strehlow
Coffey	Kroeber	Stucke
Crandall	Lavik	Topp
Drew	Lemke	Vinje
Ettestad	Lian	Watt
Fine	Lowe	Whelan
Fowler	Lynn	Williams
Fredrickson	Magoffin	Wog
Gilbertson	McGillic	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Bilden	Morrison	Streibel
Greene	Mutchler	Thatcher
Guthrie	Olson	Thorson
Kamrath	Skarvold	

Absent and not voting:

Messrs.	Messrs.
Hulteng	Trout

So the bill passed and the title was agreed to.

### EXPLANATION OF VOTE

Senator Streibel: The substance of this bill seems to imply that the Senate be given more power in this matter than the Governor. If this transfer of power has any merit why was it not given to the voters by placing the Tax Commissioner on the ballot? This not having been done, I therefore vote "No."

At this time the President of the Senate called the President pro tem to the chair.

## SECOND READING OF SENATE BILLS

Senate Bill No. 84. A Bill for an Act to Amend and Re-enact Section 8247a21 of the 1925 Supplement to the Compiled Laws, North Dakota, 1913, Relating to Lien of Assessments in Irrigation Districts, Giving the Same Equality as Liens with General Taxes and Sale Thereof, Repealing All Acts or Parts of Acts in Conflict Herewith, 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, 1; absent and not voting, 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Olson
Brostuen	Kolpin	Owings
Cain	Kroeber	Skarvold
Coffey	Lavik	Strehlow
Crandall	Lemke	Streibel
Drew	Lian	Stucke
Ettestad	Lowe	Thatcher
Fine	Lynn	Thorson
Fowler	Magoffin	Trout
Fredrickson	McGillic	Vinje
Gronvold	Morrison	Watt
Guenther	Mutchler	Whelan
Guthrie	Nelson, Barnes	Wog
Johnson	Nelson, Grand Fks.	Young

Those voting in the negative were:

Messrs.  
Greene

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Gilbertson	Topp
Blaisdell	Hulteng	Williams

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

Senate Bill No. 67. A Bill for an Act Exempting from any Tax Upon the Sale of Personal Property, Sales of Equipment, Medicine, Drugs or Building Materials or Supplies to Institutions of Public Charity, Including Public Hospitals Under Control of Religious or Charitable Societies, Although Contract or Agreement to Purchase Such Property was Previously Entered Into; 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, 35; nays, 11; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Nelson, Barnes
Bilden	Johnson	Nelson, Grand Fks.
Brostuen	Kamrath	Skarvold
Cain	Kolpin	Stucke
Coffey	Kroeber	Topp
Crandall	Lavik	Vinje
Drew	Lemke	Watt
Fine	Lian	Whelan
Fowler	Lynn	Williams
Fredrickson	Magoffin	Wog
Gronvold	McGillic	Young
Guenther	Mutchler	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Morrison	Streibel
Ettestad	Olson	Thatcher
Greene	Owings	Thorson
Lowe	Strehlow	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Gilbertson	Hulteng	Trout

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

Senator Blaisdell: I wish to explain my vote. If this bill passes, anyone who has the proper connections with the hospital, under control of religious or charitable societies, is given the opportunity of purchasing, through that hospital, building materials without the payment of the 2% sales tax. It does, I believe, open up too big an opportunity for graft on the part of lumbermen and others. Further, Section 2 of the bill makes it retroactive, and I believe unconstitutional. In any event it is unfair to anyone who has heretofore sold such institutions building materials and paid the tax thereon previous to the passage of this bill. I do not believe this is the intent of the sponsor of the bill. I vote "No."

HOUSE CONCURRENT RESOLUTION "F" was read the second time.

Senator Cain moved that House Concurrent Resolution "F" be re-referred to the Committee on State Affairs, which motion prevailed.

House Bill No. 14. A Bill for an Act to Conserve the Natural Gas and Oil Resources of the State of North Dakota, to Prevent Waste through Negligent Methods of Operation, and to Provide for the Prescribing and Enforcing of Rules and

Regulations Governing the Drilling, Casing and Abandonment of Oil and Gas Wells and the Waste of Oil and Gas, and Providing a Penalty for the Violation Thereof.

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, 1; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Johnson	Owings
Blaisdell	Kamrath	Skarvold
Brostuen	Kroeber	Strehlow
Cain	Lavik	Streibel
Coffey	Lemke	Stucke
Crandall	Lian	Thatcher
Drew	Lowe	Thorson
Ettestad	Lynn	Topp
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young

Those voting in the negative were:

Messrs.  
Fine

Absent and not voting:

Messrs.	Messrs.	Messrs.
Hulteng	Kolpin	Trout

So the bill passed and the title was agreed to.

Senator Vinje requested that the Senate return to the 5th order of business, which request was granted.

### REPORT OF STANDING COMMITTEE

The Committee on Women's and Children's Welfare made the following report:

Mr. President: Your Committee on Women's and Children's Welfare to whom was referred Senate Bill No. 68, have had the same under consideration and recommend that the same be amended as follows:

1. That Section 1 be amended by adding at the end thereof the following: "As used in this act 'child placement' shall mean the placing of a dependent child in a family home for care, education or adoption."
2. That Section 3 be amended by adding at the end thereof a new subsection (d) as follows: "To co-operate with juvenile courts and licensed children's agencies; but this Act is not to be construed to authorize a county board to make child placement."



3. That Section 5 be amended by adding at the end thereof a new subsection (c) as follows: "Is living in a home maintained or selected by a child caring or child placing agency duly licensed under the laws of the State of North Dakota; provided, however, that funds received from the Federal Government under the Social Security Act shall not be expended in paying for such care unless or until the laws of the United States permit Federal funds granted to the state for aid to dependent children be expended for such purposes."

4. That in Section 6 at the end thereof in line 19 that the period (.) after the word "children" be stricken out and a semicolon (;) inserted and the following added: "provided, however, that the State Welfare Board may authorize the payment of not to exceed \$18. per month for any number of children in the care of a licensed agency out of State Funds."

5. That Section 7 be amended in lines 11 and 12 on page 6 by placing the period after the word "family" and striking out the language "they resided with the same person."

6. That Section 12 be amended by striking out all of said section and inserting in lieu thereof the following: "State Board authorized to extend provisions of Act.) In case the Social Security Act is amended so as to authorize the expenditure of funds for care of dependent children in foster homes or child caring homes or institutions, then the State Board shall be authorized to extend the provisions of the plan set up under this Act accordingly."

7. That Section 16 be amended in line 18 on page 15 by inserting the word "or" after the word "person"; by striking out the words "or organization" and by inserting the word "legal" after the word "having."

8. That Section 22 be amended by striking out the following language in line 4: "and all laws or parts of laws in conflict with this Act."

And when so amended recommend the same do pass.

SYVER VINJE,  
Chairman.

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

Senator Lowe moved that the Senate do now adjourn, which motion prevailed.

The Senate stood adjourned.

#### COURTESIES OF THE FLOOR

The courtesies of the floor were extended to:

Mrs. A. L. Arnold, Beach; J. C. Sethre, Lisbon; Miss Luba Ramon, Rolla; O. C. Berg, Lakota; W. S. Butler, Grand Forks; Bert M. Salisbury, Minnewaukan; Louis Alferness, Mohall; Mrs. W. P. Brady, Grand Forks; Mrs. Fred Orr, Bismarck.

THOMAS McDONALD,  
Secretary.

## TWENTY-FIFTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
January 29, 1937.

The Senate convened at 2:00 p. m., pursuant to adjournment, the President presiding.

Prayer by the Chaplain, Rev. R. E. Smith, Bismarck.

Roll call: All members present except Senators Hulteng and Topp.

Senator Lian moved that all absent Senators be excused, which motion prevailed.

## MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
January 29, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bill:

Senate Bill No. 45. A Bill for an Act Making an Appropriation for the Payment of Expenses to Be Incurred and Premiums Paid by the North Dakota State Turkey Show.

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

Very respectfully,

THOMAS McDONALD,  
Secretary.

## MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
January 29, 1937.

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

House Bill No. 35. A Bill for an Act to Amend and Re-enact Subdivision 5 of Section 4059, of the 1925 Supplement

to the Compiled Laws of the State of North Dakota for 1913, Relating to Powers of Park Commissions.

Also,

House Bill No. 36. A Bill for an Act Forbidding Compulsory Military Training and Tactics in State Supported Educational Institutions.

Also,

House Bill No. 75. A Bill for an Act to Amend and Re-enact Section 6077 of the 1913 Compiled Laws of the State of North Dakota as Amended and Re-enacted by Chapter 158 of the Session Laws of 1935 Relating to the Rate of Interest to Be Allowed on Judgments.

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

Very respectfully,

MINNIE D. CRAIG,  
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 Twenty-fourth day and recommend that the same be corrected as follows:

On page 249 insert heading: "Twenty-fourth Day."

And when so corrected recommend that the same be approved.

C. C. MORRISON,  
Chairman.

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

#### PETITIONS AND COMMUNICATIONS

The following petitions and communications were received and referred to the appropriate committees:

A communication from the county officials of McIntosh County protesting against initiated measure approved June 29, 1932, regulating salaries of county officials, and requesting legislation providing equal salary basis.

A telegram from the State Citizens Committee on Higher Education, Fargo, urging salary increase for instructors in state schools to prevent loss of experienced men and women; also a similar communication from the County Superintendent of Schools, Sargent County.

Four petitions from the Hartland Farmers Union Local No. 652, urging legislation along the following lines: Abolition of compulsory military training in publicly supported schools;

continuation of high school correspondence work; providing a compulsory cooperative study course in public schools, and exemption of homesteads from taxation.

A communication signed by 100 Mountrail county farmers urging the Twenty-fifth Legislative Assembly to memorialize Congress to provide farmers with seed grain to be repaid by them in the fall.

The Secretary of the Senate read a letter forwarded by him to the Commissioner of Insurance, pursuant to motion of the previous day, demanding copies of pamphlet entitled "Apparent Irregularities in the Hail Insurance Department," and the answer thereto to the effect that same would be delivered upon receipt showing printing bill had been paid in full.

#### SENATE COMMITTEE ON ENROLLMENT AND EN-GROSSMENT

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. 55. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items of the State Normal School at Valley City, North Dakota.

Also,

Senate Bill No. 57. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items of the State Normal School, Minot, North Dakota.

Also,

Senate Bill No. 89. A Bill for an Act to Amend and Re-enact Section 3644 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Duties of City Boards of Equalization.

And find the same correctly engrossed.

WILLIAM KROEBER,  
Chairman.

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

#### REPORTS OF STANDING COMMITTEES

The Committee on Highways made the following report:

Mr. President: Your Committee on Highways to whom was referred Senate Bill No. 87 have had the same under consideration and recommend that the same do pass.

GUST WOG,  
Chairman.

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

The Committee on Corporations made the following report:

Mr. President: Your Committee on Corporations to whom was referred Senate Bill No. 44, have had the same under consideration and recommend that the same be indefinitely postponed.

MILTON R. YOUNG,  
Chairman.

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

Senator Fredrickson moved that the vote by which Senate Bill No. 44 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

The Committee on Corporations made the following report:

Mr. President: Your Committee on Corporations to whom was referred Senate Bill No. 60, have had the same under consideration and recommend that the same be indefinitely postponed.

MILTON R. YOUNG,  
Chairman.

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

Senator Fredrickson moved that the vote by which Senate Bill No. 60 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

The Committee on Corporations made the following report:

Mr. President: Your Committee on Corporations to whom was referred Senate Bill No. 90, have had the same under consideration and recommend that the same be indefinitely postponed.

MILTON R. YOUNG,  
Chairman.

Senator Young moved that Senate Bill No. 90 be re-referred to the Committee on Corporations, which motion prevailed.

The Committee on Corporations made the following report:

Mr. President: Your Committee on Corporations to whom was referred Senate Bill No. 69, have had the same under consideration and recommend that the same be amended as follows:

Strike out the title of the engrossed bill and insert in lieu thereof the following title: "For an Act to Amend and Re-enact Section 3585 of the Compiled Laws of 1913 Relating to the Qualifications of City Aldermen, Repealing All Acts and

Parts of Acts in Conflict Herewith, and Declaring an Emergency.”

Following the word and figure “Section 1.” insert the following language: “AMENDMENT. Section 3585 of the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

“Section 3585. QUALIFICATIONS.”

And when so amended recommend that the same do pass.

MILTON R. YOUNG,  
Chairman.

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

The Committee on Corporations made the following report:

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

MILTON R. YOUNG,  
Chairman.

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

Senator Lowe moved that the vote by which Senate Bill No. 52 was passed be reconsidered.

Which motion prevailed.

Senator Lowe moved that Senate Bill No. 52 be amended as follows:

In line 3, of Section 1, of the printed Bill, strike out the figures “\$62,933.10” and insert the figures “\$62,883.10”.

Which motion prevailed.

Senator Lowe moved that the rules be suspended and Senate Bill No. 52 be considered properly re-engrossed, and placed upon Second Reading and Final Passage, as amended.

Which motion prevailed.

Senator Cain moved that the Senate reconsider the vote by which Senate Bill No. 45 was passed.

Which motion was lost.

Senator Drew (by request) introduced:

JOINT RESOLUTION “I,” “Relative to powers of Rural Rehabilitation Corporation,” which was read the first time.

Referred to the Committee on State Affairs.

## FIRST READING OF SENATE BILLS

Senator Coffey introduced:

Senate Bill No. 100. A Bill for an Act to Amend Section 3696a of the Supplement to the Compiled Laws of 1913, Relating to Liability of Municipalities for Injuries Caused by Accumulation of Frost, Snow, Ice or Sleet on Public Sidewalks, Crosswalks, Streets, Alleys or Other Public Ways and Exempting Municipalities from Liability for Injuries to Person or Property Occurring in Whole or in Part Upon State or National Highways Within Such Municipalities.

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

Senator Guthrie introduced:

Senate Bill No. 101. A Bill for an Act to Amend and Re-enact Chapter 208 of the Session Laws of North Dakota for the Year 1935, Relating to Tax Limitations of Cities.

Was read the first time and referred to the Committee on Taxes and Tax Laws.

Senator Coffey introduced:

Senate Bill No. 102. A Bill for an Act Granting Certain Powers to the Governing Board of Cities and Villages.

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

Senators Whelan, Cain, Fowler and Nelson of Grand Forks introduced:

Senate Bill No. 103. A Bill for an Act Defining and Relating to Narcotic Drugs; Specifying the Persons Who May Sell, Prescribe, and Have Such Drugs in Their Possession; Establishing Regulations for the Manufacture and Sale Prescription; Providing for License; Fixing Penalty for Violation of the Law and Repealing All Acts in Conflict Herewith.

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

The Committee on Appropriations introduced:

Senate Bill No. 104. A Bill for an Act Making an Appropriation for the Evangelical Lutheran Good Samaritan Society at Fargo, North Dakota, for the Care and Education of Crippled Children.

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

Senator Stucke introduced:

Senate Bill No. 105. A Bill for an Act to Amend and Re-enact Section 8, of Chapter 108, of the Session Laws of 1935, Relating to Credit Unions in the State of North Dakota.

Was read the first time and referred to the Committee on Banks and Banking.

Senators Cain and Coffey introduced:

Senate Bill No. 106. A Bill for an Act to Amend and Re-enact Section 7792 of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 154 of the Session Laws of North Dakota, for 1933, Relating to the Amount of Costs on Foreclosure of Liens, Who Entitled Thereto, Prohibiting the Division of Attorney Fees, Prescribing Penalty for Violation, and Repealing All Acts or Parts of Acts in Conflict Herewith.

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

Senator Coffey (by request) introduced:

Senate Bill No. 107. A Bill for an Act to Amend and Re-enact Section 7971, Compiled Laws of 1913, Relating to Actions of quo warranto Against Usurping Officers and Others.

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

Senators Kroeber, Lavik, Lemke, Trout and Nelson of Grand Forks introduced:

Senate Bill No. 108. A Bill for an Act Requiring an Appropriation by the Legislature, Before Any Expenditure Can Be Made or Liability Incurred for Advertising by the State, or Any of Its Institutions, Departments or Enterprises.

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

#### SECOND READING OF SENATE BILLS

Senate Bill No. 89. A Bill for an Act to Amend and Re-enact Section 3644 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Duties of City Boards of Equalization.

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, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Johnson	Owings
Blaisdell	Kamrath	Skarvold
Brostuen	Kolpin	Strehlow
Cain	Kroeber	Streibel
Coffey	Lavik	Stucke
Crandall	Lemke	Thatcher



Messrs.	Messrs.	Messrs.
Drew	Lian	Thorson
Ettestad	Lowe	Trout
Fine	Lynn	Vinje
Fowler	Magoffin	Watt
Fredrickson	McGillic	Whelan
Gilbertson	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Greene	Morrison	Topp
Hulteng		

So the bill passed and the title was agreed to.

Senator Kroeber, Chairman of the Committee on Enrollment and Engrossment, submitted the following:

To the Members of the Senate: The clerks of the Enrollment and Engrossment Committee wish to report, in explanation of the delay in returning engrossed bills to the Senate, that incompetent work by the Engrosser is the cause of such delay. Bills are turned over to us promptly by the Bill Clerk, and after amendments are made, are immediately sent to the engrosser, to be checked the following morning. The delay arises from the fact that bills have to be returned to the engrosser for corrections, sometimes as many as three or four times. Of Senate Bills numbered 68, 53, 55, 58, 89, 46, 83 and 57 sent to us yesterday, all have been returned for corrections once, and five have been returned three times. Of the eight bills, only three were ready for the Bill Clerk when the Senate convened today. We are making this explanation because we do not feel we can justifiably be held responsible for the continual delay.

Very respectfully yours,

MARIAM TAYLOR,  
EVA GOETZ.

Senator Cain moved that the Chair appoint a committee of three to consider the matter of delay in receiving engrossed bills, and proper procedure to correct same, which motion prevailed.

The Chair appointed the following committee: Senators Cain, Whelan and Kroeber.

Senator Cain moved that Senate Bill No. 3 be re-referred to the Judiciary Committee for the purpose of amendment, which motion prevailed.

Senator Strehlow requested that the Senate return to the 5th order of business, 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 En-grossment respectfully report that they have examined the following bill:

Senate Bill No. 83. A Bill for an Act Providing for Relief in Certain Cases During the Emergency Declared to Exist From Foreclosure of Mortgages or Other Liens on Real Estate, and Execution Sales of Real Estate, and Cancellation of Contracts for the Sale of Real Property, Eviction of Tenants from Real Estate, and for Postponing Certain Sales and Extending the Period of Redemption from Certain Sales, and Relating to the Jurisdiction and Procedure for Such Relief, and for the Right to Possession During the Extended Period, and Limiting the Right to Emergency Actions for Deficiency Judgment, and for Extending the Expiration of Certain Periods of Redemption to Thirty Days After the Passage of this Act; Repealing All Acts Inconsistent Herewith and Declaring an Emergency.

And find the same correctly engrossed.

WILLIAM KROEBER,  
Chairman.

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

#### SECOND READING OF SENATE BILLS

Senate Bill No. 83. A Bill for an Act Providing for Relief in Certain Cases During the Emergency Declared to Exist From Foreclosure of Mortgages or Other Liens on Real Estate, and Execution Sales of Real Estate, and Cancellation of Contracts for the Sale of Real Property, Eviction of Tenants from Real Estate, and for Postponing Certain Sales and Extending the Period of Redemption from Certain Sales, and Relating to the Jurisdiction and Procedure for Such Relief, and for the Right to Possession During the Extended Period, and Limiting the Right to Emergency Actions for Deficiency Judgment, and for Extending the Expiration of Certain Periods of Redemption to Thirty Days After the Passage of this Act; Repealing All Acts Inconsistent Herewith 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, 41; nays, 0; absent and not voting, 8.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kroeber	Skarvold
Brostuen	Lavik	Strehlow
Cain	Lemke	Streibel
Coffey	Lian	Stucke
Drew	Lowe	Thatcher
Ettestad	Lynn	Thorson

Messrs.	Messrs.	Messrs.
Fine	Magoffin	Trout
Fredrickson	McGillic	Vinje
Gilbertson	Morrison	Watt
Gronvold	Mutchler	Whelan
Guenther	Nelson, Barnes	Williams
Guthrie	Nelson, Grand Fks.	Wog
Kamrath	Olson	Young
Kolpin	Owings	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Fowler	Johnson
Blaisdell	Greene	Topp
Crandall	Hulteng	

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

Senator Morrison requested that the Senate return to the 9th order of business, for the purpose of reading a resolution, which request was granted.

President Thoresen: In accordance with a former ruling, made earlier in the session, the Chair will take the resolution under advisement, as it tends to reflect upon the name of one of the members of the body. The Senator has the privilege of appealing from the decision of the Chair.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 91. A Bill for an Act to Amend and Re-enact Section 9660 of the Compiled Laws of 1913 Defining a Lottery.

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, 24; nays, 18; absent and not voting, 7.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Lavik	Nelson, Barnes
Bilden	Lian	Nelson, Grand Fks.
Cain	Lowe	Skarvold
Coffey	Lynn	Strehlow
Drew	Magoffin	Watt
Fredrickson	McGillic	Whelan
Gilbertson	Morrison	Wog
Gronvold	Mutchler	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Brostuen	Kolpin	Stucke
Ettestad	Kroeber	Thatcher
Fine	Lemke	Thorson

Messrs.	Messrs.	Messrs.
Guenther	Olson	Trout
Guthrie	Owings	Vinje
Kamrath	Streibel	Williams

Absent and not voting:

Messrs.	Messrs.	Messrs.
Blaisdell	Greene	Johnson
Crandall	Hulteng	Topp
Fowler		

So the bill failed to pass due to lack of a constitutional majority.

Senate Bill No. 55. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items of the State Normal School at Valley City, North Dakota.

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, 7.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Olson
Bilden	Kolpin	Owings
Blaisdell	Kroeber	Skarvold
Brostuen	Lavik	Strehlow
Cain	Lemke	Streibel
Coffey	Lian	Stucke
Drew	Lowe	Thatcher
Ettestad	Lynn	Thorson
Fine	Magoffin	Trout
Fredrickson	McGillic	Vinje
Gilbertson	Morrison	Watt
Gronvold	Mutchler	Whelan
Guenther	Nelson, Barnes	Wog
Guthrie	Nelson, Grand Fks.	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Crandall	Hulteng	Topp
Fowler	Johnson	Williams
Greene		

So the bill passed and the title was agreed to.

Senate Bill No. 52. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State School of Forestry, Bottineau, North Dakota.

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, 7.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Olson
Bilden	Kolpin	Owings
Blaisdell	Kroeber	Skarvold
Brostuen	Lavik	Strehlow
Cain	Lemke	Streibel
Coffey	Lian	Stucke
Drew	Lowe	Thatcher
Ettestad	Lynn	Thorson
Fine	Magoffin	Trout
Fredrickson	McGillic	Vinje
Gilbertson	Morrison	Watt
Gronvold	Mutchler	Whelan
Guenther	Nelson, Barnes	Williams
Guthrie	Nelson, Grand Fks.	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Crandall	Hulteng	Topp
Fowler	Johnson	Wog
Greene		

So the bill passed and the title was agreed to.

#### 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 bill:

Senate Bill No. 53. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Normal and Industrial School at Ellendale, North Dakota.

And find the same correctly engrossed.

WILLIAM KROEBER,  
Chairman.

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

#### SECOND READING OF SENATE BILLS

Senate Bill No. 53. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Normal and Industrial School at Ellendale, North Dakota.

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, 7.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Olson
Bilden	Kolpin	Owings
Blaisdell	Kroeber	Skarvold
Brostuen	Lavik	Strehlow
Cain	Lemke	Streibel
Coffey	Lian	Stucke
Drew	Lowe	Thatcher
Ettestad	Lynn	Thorson
Fine	Magoffin	Trout
Fredrickson	McGillic	Vinje
Gilbertson	Morrison	Watt
Gronvold	Mutchler	Whelan
Guenther	Nelson, Barnes	Williams
Guthrie	Nelson, Grand Fks.	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Crandall	Hulteng	Topp
Fowler	Johnson	Wog
Greene		

So the bill passed and the title was agreed to.

## FIRST READING OF HOUSE BILLS

House Bill No. 21. A Bill for an Act Defining the Practice of Naturopathy in the State of North Dakota; Establishing a Board of Naturopathic Examiners; Outlining Their Duties; Specifying Their Compensation; Providing Penalties for Violation; repealing Acts or Parts of Acts in Conflict Herewith and Declaring an Emergency.

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

House Bill No. 32. A Bill for an Act to Amend and Re-enact Section 1 and 2 of Chapter 195 of the Session Laws for 1935, Relating to Funding and Refunding Existing Indebtedness of Municipalities, and Declaring an Emergency.

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

House Bill No. 35. A Bill for an Act to Amend and Re-enact Subdivision 5 of Section 4059, of the 1925 Supplement to the Compiled Laws of the State of North Dakota for 1913, Relating to Powers of Park Commissions.

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

House Bill No. 75. A Bill for an Act to Amend and Re-

enact Section 6077 of the 1913 Compiled Laws of the State of North Dakota as Amended and Re-enacted by Chapter 158 of the Session Laws of 1935 Relating to the Rate of Interest to Be Allowed on Judgments.

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

House Bill No. 36. A Bill for an Act Forbidding Compulsory Military Training and Tactics in State Supported Educational Institutions.

Was read the first time referred to the Committee on Education.

Senator Strehlow moved that the Senate do now adjourn.

Which motion prevailed.

The Senate stood adjourned.

#### COURTESIES OF THE FLOOR

The courtesies of the floor were extended to:

C. E. Ligon, Bismarck; S. A. Ophoren, Pekin; Mrs. John C. Kjos, Wyndmere; Mrs. Emil Strand, Mrs. L. O. Havemik, Fryburg; Mrs. F. K. McCullough, Bismarck; M. C. Erickson, Williston; H. G. Roscoe, LaMoure; Bernita Strause, Forman; Frank Glotzback, Anamoose; T. O. Kraabel, Fargo; J. O. Milsten, Belfield; Miss Hendricks, Frank Webb, Grand Forks; Axel Johnson, Rolla; Judge and Mrs. G. Grimson, Lin Grimson, Joe Voeller, Rugby; Don Sathre, Grand Forks; Mr. and Mrs. Leo Burnstad, Napoleon.

THOMAS McDONALD,  
Secretary.

## TWENTY-SIXTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
January 30, 1937.

The Senate convened at 2:00 p. m., pursuant to adjournment, the President presiding.

Prayer by the Chaplain, Rev. R. E. Smith, Bismarck.

Roll call: All members present except Senators Crandall, Fowler, Hulteng and Topp.

Senator Lian moved that the absent Senators be excused, which motion prevailed.

## MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
January 30, 1937.

Mr. Speaker: I have the honor to return herewith the following bill:

House Bill No. 14. A Bill for an Act to Conserve the Natural Gas and Oil Resources of the State of North Dakota, to Prevent Waste through Negligent Methods of Operation, and to Provide for the Prescribing and Enforcing of Rules and Regulations Governing the Drilling, Casing and Abandonment of Oil and Gas Wells and the Waste of Oil and Gas, and Providing a Penalty for the Violation Thereof.

Which the Senate has passed unchanged.

Very respectfully,

THOMAS McDONALD,  
Secretary.

## MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
January 30, 1937.

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



Senate Bill No. 57. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items of the State Normal School, Minot, North Dakota.

Also,

Senate Bill No. 67. A Bill for an Act Exempting from any Tax Upon the Sale of Personal Property, Sales of Equipment, Medicine, Drugs or Building Materials or Supplies to Institutions of Public Charity, Including Public Hospitals Under Control of Religious or Charitable Societies, Although Contract or Agreement to Purchase Such Property was Previously Entered Into; and Declaring an Emergency.

Also,

Senate Bill No. 84. A Bill for an Act to Amend and Re-enact Section 8247a21 of the 1925 Supplement to the Compiled Laws, North Dakota, 1913, Relating to Lien of Assessments in Irrigation Districts, Giving the Same Equality as Liens with General Taxes and Sale Thereof, Repealing All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

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

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### MESSAGE FROM THE HOUSE

House Chamber,  
Bismarck, North Dakota,  
January 30, 1937.

Mr. President: I have the honor to return herewith the following bill:

Senate Bill No. 1. A Bill for an Act Providing for the Organization of Farmers State Mutual Fire and Lightning Reinsurance Companies, and Repealing all Acts and Parts of Acts in Conflict Herewith.

And recommend the adoption of the Standing Committee's Amendments as follows:

In the first line of the title of the bill strike out the word "State".

After the enacting clause strike out the remainder of the bill and insert the following:

Sec. 1. ORGANIZATION.) Any number of county mutual fire and lightning insurance companies, not less than five, organized under and by virtue of Sections 4932 to 4050, both inclusive, of the Compiled Laws of North Dakota for the year 1913, or Sections 4950a1 to 4950a21 both inclusive of the 1925 Supplement to the Compiled Laws of North Dakota for

1913, may form a corporation for the purpose of reinsuring the fire and lightning risks of the members, on the mutual plan.

Sec. 2. ARTICLES OF INCORPORATION. BY-LAWS.) The Articles of Incorporation of such corporation shall contain the name, which shall include the words "mutual reinsurance company," purpose, the location of its principal place of business which shall be within this state, the term of its corporation which may be perpetual, the number of directors which shall not be less than five nor more than thirteen, and the names and residences of the persons who are to serve as such until the election and qualification of their successors, and the said articles of incorporation may set forth any other provisions which are permitted under the general incorporation laws of the state, or are permitted in the case of county mutual insurance companies. The by-laws of such shall contain such provisions for the government of the company and the conduct of its business, as are permitted in the case of county mutual insurance companies.

Sec. 3. CERTIFIED COPY OF CERTIFICATE OF COMPLIANCE WITH LAW.) The Articles of Incorporation and the by-laws of such corporation, if found in conformity with this Act and not inconsistent with the laws and Constitution of this State, shall be approved by the Commissioner of Insurance, and a certified copy thereof shall be delivered to such members, and a certificate to the effect that said corporation has complied with all the requirements of law, which, on being filed in the office of the register of deeds of the county where the principal office of the corporation is located shall be its authority to commence business and issue policies, and such certified copy of the Articles of Incorporation and of such certificate may be used for or against such company, with the same effect as the original, and shall be conclusive evidence of the fact of the organization of such corporation.

Sec. 4. ANNUAL STATEMENT.) The secretary of the company shall prepare and submit to the members thereof, at each annual meeting, a copy of the annual statement required to be filed with the commissioner of insurance, as provided in Section 4949 of the Compiled Laws of 1913, of the State of North Dakota.

Sec. 5. APPLICABILITY OF GENERAL LAWS.) In all other respects companies organized under the provisions of this act shall be subject to the provisions of the general laws of the State of North Dakota relating to county mutual companies.

Sec. 6. REPEAL.) All acts or parts of acts in conflict herewith are hereby repealed.

Which the House has amended.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

## MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
January 30, 1937.

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

House Bill No. 53. A Bill for an Act Making It Unlawful to Encourage, Cause or Contribute to the Delinquency of a Minor.

Also,

House Bill No. 31. A Bill for an Act to Amend and Re-enact Section 4950a13 of the Session Laws for the Year 1915, Relating to County Mutual Insurance Companies.

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

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
January 30, 1937.

Mr. President: I have the honor to return herewith the following:

Senate Bill No. 34. A Bill for an Act Making an Appropriation to Pay the Expenses of the State Board of Veterinary Medical Examiners as Authorized Under Sections 2711 to 2720, Inclusive, of the Compiled Laws of North Dakota, for the Year 1913.

Also,

Senate Bill No. 18. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the Department of Coal Mine Inspection.

Which the House has passed unchanged.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
January 30, 1937.

Mr. President: I have the honor to return herewith the following Bill:

Senate Bill No. 36. A Bill for an Act Making an Appropriation to Provide Funds to Pay the Necessary Expenses and Reasonable Compensation to Commissioners Appointed in Actions to Release Insane Patients as Prescribed by Section 2562 of the Compiled Laws of 1913.

Which the House has indefinitely postponed.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
January 30, 1937.

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

HOUSE CONCURRENT RESOLUTION "M"

Which the House has adopted and your favorable consideration is respectfully recommended.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
January 30, 1937.

Mr. President: I have the honor to return herewith the following bill:

Senate Bill No. 48. A Bill for an Act to Amend and Re-enact Section 1164 of the Compiled Laws of the State of North Dakota for 1913, Pertaining to the Duties of the Clerks of Common School Districts, and Repealing All Acts and Parts of Acts in Conflict Herewith.

For proper engrossment.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

REVISION AND CORRECTION OF THE  
JOURNAL

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 Twenty-fifth Day and recommend that the same be corrected as follows:

In line 22, page 272, after capital "R," strike out comma and insert a period.

In line 35, page 272, after capital "R," strike out comma and insert a period.

And when so corrected recommend that the same be approved.

C. C. MORRISON,  
Chairman.

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

## PETITIONS AND COMMUNICATIONS

The following petitions and communications were received, read from the desk, and referred to the appropriate committees:

A communication signed by Harry L. Hopkins, Administrator, Works Progress Administration, stating that President Roosevelt had requested him to acknowledge receipt of communication received from the North Dakota Legislative Assembly, expressing appreciation for the cooperation of the Federal Government in alleviating human suffering and needs in North Dakota; stating that legal restrictions on the present program were such as to make it impossible to make a grant to the state for assistance to schools as requested, but that the entire question of assistance in North Dakota was receiving careful consideration.

A communication from Oscar E. Erickson, Commissioner of Insurance, in regard to petitions and resolutions from County Commissioners demanding legislation authorizing refund and abatement of 50% of 1935 indemnity levy.

A communication from Governor Langer inclosing resolution received from U. S. Commissioner of Deeds of Indiana relative to declaring October 11th to be "General Pulaski's Memorial Day."

A communication from the Wolf Butte Farmers Union Local No. 1099, demanding abolition of compulsory military training; requesting adequate appropriations to continue high school correspondence work for the next biennium; requesting that equalization fund receive adequate appropriation; asking inclusion of course in "cooperation" in the state's course of study; and asking for homestead exemption and a graduated land tax laws.

A telegram from the Wm. C. Taylor Post No. 71, asking the defeat of House Bill No. 36.

A petition signed by 26 farmers of Mountrail County asking legislative assembly to memorialize Congress to provide seed grain to North Dakota farmers.

A communication from J. A. Gray, State Treasurer, containing itemized statement of expenditures from special appropriation granted that department by 1935 legislature.

A communication from John N. Hagen, Commissioner of Agriculture and Labor, giving detailed statement of expenditures from deficit appropriation granted in 1935.

A communication from the North Dakota State Employment Service, giving detailed statement of expenditures of that department.

A communication signed by School Board officials of Grail School District No. 1, McKenzie County, petitioning the legislature to change the dates of regular teachers examinations from August to some date in the early part of May of each year.

A communication from T. W. Thordarson, Director of the Supervised Correspondence Study Project, submitting copy of first Annual Report of this State Project.

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. 52. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State School of Forestry, Bottineau, North Dakota.

Also,

Senate Bill No. 68. A Bill for an Act in Relation to Public Welfare and Social Security; to Provide for Public Aid to Dependent Children, and Prescribing the Duties of the State Public Welfare Board and the County Welfare Boards in the Administration Thereof, and Declaring an Emergency, and Repealing Chapter 165 of the Laws of 1925, Sections 2546a1 to 2546a10, Inclusive, of the 1925 Supplement to the 1913 Compiled Laws of North Dakota.

Also,

Senate Bill No. 69. A Bill for an Act Providing for the Qualifications of City Aldermen.

Also,

Senate Bill No. 46. A Bill for an Act to Amend and Re-enact Section 2092a1, Supplement to the Compiled Laws of 1913, Relating to Tax Commissioner.

Also,

Senate Bill No. 58. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, New Building, Equipment and Miscellaneous Expenses for the State Normal School, Dickinson, North Dakota.

And find the same correctly engrossed.

WILLIAM KROEBER,  
Chairman.

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

REPORTS OF STANDING COMMITTEES

The Committee on State Affairs made the following report:

Mr. President: Your Committee on State Affairs to whom was referred:

**JOINT RESOLUTION "I," Relative to Powers of Rural Rehabilitation Corporation."**

Have had the same under consideration and recommend that the same be adopted:

G. F. DREW,  
Chairman.

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

The Committee on Public Health made the following report:

Mr. President: Your Committee on Public Health to whom was referred:

Senate Bill No. 93. A Bill for an Act to Amend and Re-enact Section Four (4) of the Laws of North Dakota for the Year 1933, Relating to the Granting and Revocation of Licenses to Practice Dentistry, Setting Forth the Grounds for the Revocation Thereof and Defining Unprofessional Conduct.

Have had the same under consideration and recommend that the same be amended as follows:

On page 7 of the printed bill, line 137, strike out the word "three" and insert the word "four".

On page 7 of the printed Bill, between lines 152 and 153, insert the following paragraph: "Provided, however, that any person or persons who were engaged in the practice of dentistry under a corporate, trade, or assumed name on January 1, 1937, may, until December 31, 1938: (1) Continue to use such corporate, trade, or assumed name; (2) Continue to use and maintain all signs which were in place on January 1, 1937; (3) Continue the use of newspaper advertising as provided in sub-section P above, except that such advertisements may occupy a space of not more than 8 column inches and may contain the corporate, trade, or assumed name heretofore used by such person or persons."

On page 8 of the printed bill, line 177, strike out the word "refused" and insert the word "refuses".

And when so amended, recommend the same do pass.

E. C. STUCKE,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred:

Senate Bill No. 56, have had the same under consideration and recommend that the same be amended as follows:

In line 3 of Section 1 of the engrossed bill, strike out the figures "\$122,560.00" and insert in lieu thereof the figures "\$128,837.00".

Under item "SALARIES AND WAGES" line numbered 2 strike out the figures "80,000.00" and insert in lieu thereof the figures "92,000.00".

In line numbered 3, item "Other Employees", strike out the figures "13,000.00" and insert in lieu thereof the figures "16,482".

In line numbered 5, strike out "10%" and add the following words in parenthesis: "(To be applied on salaries under \$2,000.00)". In same line strike out the figures "10,849.00" and insert in lieu thereof the figures "3,719.00".

Under item "OPERATING EXPENSE", in line numbered 2, item "Light, Power, Water, Gas", strike out the figures "8,000.00" and insert in lieu thereof the figures "7,000.00".

In line numbered 6, item "Printing—Including Bulletins", strike out the figures "1,200.00" and insert in lieu thereof the figures "1,000.00".

In line numbered 8, item "Office Supplies—Including Stationery" strike out the figures "800.00" and insert in lieu thereof the figures "600.00".

In line numbered 12 after "Students' Welfare", add a comma and the words "Hospitalization, and Medical Service".

Strike out all of line numbered 15, and renumber the following lines.

Correct the total after "TOTAL MAINTENANCE" by striking out the figures "\$161,085.00" and insert in lieu thereof the figures "\$167,737.00".

Correct the figures after "NET MAINTENAINCE" by striking out the figures "\$113,585.00" and insert in lieu thereof the figures "\$123,237.00".

Under item "EQUIPMENT" strike out all of line numbered 10.

Under item "MISCELLANEOUS ITEMS", strike out all of line numbered 1, and renumber the following line.

Correct the total after "TOTAL" by striking out the figures "\$122,560.00" and insert in lieu thereof the figures "\$128,837.00".

B. W. LEMKE,  
Chairman.

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

The Select Committee appointed to investigate delay in receiving re-engrossed bills made the following report:

Mr. President: Your Committee appointed to investigate



the contract for enrolling and engrossing legislative bills, beg leave to report as follows:

1. The Governor, the Secretary of State and the State Auditor, pursuant to advertisement for bids, entered into a contract with Joseph Coughlin the latter part of November, 1936, awarding to Joseph Coughlin the contract for enrolling and engrossing all bills before the legislative assembly.

2. The contract and the statute authorizing the execution of such a contract contains the following language:

"The services to be performed under the direction and in the time set by and to the satisfaction of the committees of the Senate and House of Representatives, or their agent."

3. The law provides and the contract contains a provision that a bond be furnished for the faithful performance of the same. A surety bond in the sum of \$2,000.00, is attached to the contract.

4. That the work of enrolling and engrossing the bills is being done in an unsatisfactory, incompetent and inefficient manner, and not to the satisfaction of the committees of the Senate.

5. Your committee recommends that the Governor, the Secretary of State and the State Auditor either cancel the contract with Joseph Coughlin and secure the services of competent employees, or that they see to it that the said Joseph Coughlin employs competent help to properly enroll and engross the bills.

J. P. CAIN,  
TOM WHELAN,  
WILLIAM KROEBER.

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

Senator Cain said he had been informed by the Secretary of State that as soon as they received notice of the action of the Senate in regard to this matter, the Board would immediately convene and make such change as might be recommended. Senator Cain moved that the Secretary be instructed to convey such information to the Secretary of State at once, which motion prevailed.

Senator Gilbertson, Chairman of the Committee on Committee Rooms, moved that the Board of Administration be instructed and authorized to rent a room in the Prince Hotel for the purpose of holding committee meetings.

#### ROLL CALL

The question being on the motion by Senator Gilbertson to authorize the Board of Administration to rent a room in the Prince Hotel for use of committees, the roll was called and there were ayes, 22; nays, 23; absent and not voting, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Cain	Kroeber	Streibel
Coffey	Lemke	Stucke
Fine	Lowe	Trout
Fredrickson	Lynn	Watt
Gilbertson	Magoffin	Whelan
Gronvold	McGillic	Williams
Guenther	Nelson, Grand Fks.	Young
Guthrie		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Owings
Bilden	Kolpin	Skarvold
Blaisdell	Lavik	Strehlow
Brostuen	Lian	Thatcher
Drew	Morrison	Thorson
Ettestad	Mutchler	Vinje
Greene	Nelson, Barnes	Wog
Johnson	Olson	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Crandall	Hulteng	Topp
Fowler		

So the motion was lost.

Senator Drew moved that the rules be suspended and Joint Resolution "I" "Relative to Powers of Rehabilitation Corporation," be considered properly reengrossed and placed upon the calendar for immediate passage, which motion prevailed.

JOINT RESOLUTION "I" Relative to Powers of Rehabilitation Corporation.

Was read the second time.

#### ROLL CALL

The question being on the adoption of Joint Resolution "I", the roll was called and there were ayes, 45; nays, 0; absent and not voting, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Olson
Bilden	Kamrath	Owings
Blaisdell	Kolpin	Skarvold
Brostuen	Kroeber	Strehlow
Cain	Lavik	Streibel
Coffey	Lemke	Stucke
Drew	Lian	Thatcher
Ettestad	Lowe	Thorson
Fine	Lynn	Trout
Fredrickson	Magoffin	Vinje

Messrs.	Messrs.	Messrs.
Gilbertson	McGillic	Watt
Greene	Morrison	Whelan
Gronvold	Mutchler	Williams
Guenther	Nelson, Barnes	Wog
Guthrie	Nelson, Grand Fks.	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Crandall	Hulteng	Topp
Fowler		

So the resolution was declared adopted.

Senator Guthrie moved that the Senate reconsider the vote by which Senate Bill No. 91 was indefinitely postponed, which motion prevailed.

Senator Aasen moved that the Senate Bill No. 91 be placed at the foot of the calendar, which motion prevailed.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
January 30, 1937.

Mr. Speaker: I have the honor to advise you that the Senate has adopted Joint Resolution "I".

Very respectfully,

THOMAS McDONALD,  
Secretary.

President Thoresen: In regard to the matter which the Chair took under advisement yesterday—Senate Resolution "H", presented by Senator Morrison—the Chair will rule, in order to establish future policy, that the resolution, as presented, does not contain subject matter properly subject to legislative action. It rather deals with questions of the honesty and integrity of a member of this body in his private life. The Chair will therefore decline to accept it, subject, however, to two rights—the right of Senator Morrison to appeal from the decision of the Chair, and to the further right, by the person against whom it is directed, to ask for the personal privilege of having it read.

Senator Whelan requested that the Senate return to the 7th order of business, which request was granted.

Senator Whelan stated that there had been certain correspondence with the Hail Insurance Department setting forth a request made that such department supply the Senate with copies of a booklet put out by former Insurance Commissioner Harold Hopton, entitled, "Apparent Irregularities in the Hail Insurance Department."

Senator Whelan moved that all correspondence between the Senate and the Insurance Department having to do with such booklet, including the booklet itself, be printed in the Senate Journal.

Senator Morrison moved, as a substitute motion, that the matter be referred to a committee.

The Chair ruled the substitute motion out of order as the pamphlet had been previously referred to the Committee on Insurance.

The question being on the motion of Senator Whelan that all correspondence relative to such booklet, together with the booklet itself, be printed in the Journal, the motion prevailed.

Senator Whelan:

Mr. President: I am advised that yesterday a resolution was presented to you which charges me, as manager of the Republican campaign committee, with converting to my own use certain state property. Inasmuch as I apprehend that the Senator who introduced this resolution, being a new member of this body, is unfamiliar with my record during the past two sessions, I assume that he was fearful of the fact that had he made such motion or resolution orally I would claim a personal privilege, and object to its being considered by this body. I now desire as a matter of personal privilege to demand that such resolution be read.

Senate Resolution "H" was read.

Senator Whelan:

Possibly by reason of my position as manager of the Republican campaign during the past fall, and charged with being a friend and ardent supporter of former Governor Welford, I am persona non grata to those responsible for the resolution. The investigation of records in the various departments may have had something to do with this attack upon me.

I have no need to assure my many friends in this body, who have served with me during the past two sessions of this legislature, of the falsity of these charges. I only ask an opportunity of demonstrating to the new members, and those whom I have opposed in the past, and will hereafter continue to oppose, politically, the falsity and unfairness of the charges contained in such resolution, with the knowledge that only thereby will the true reasons behind this attack be disclosed to you.

I also wish to inform the author of this resolution that if he has introduced the resolution, or introduces others, in an attempt to stop the Senate from obtaining information of the affairs of the various departments of state government, to which the Senate has a full right, he has been deluded by his promptors.

Senator Whelan moved the adoption of Senate Resolution "H".

Senator Morrison: "I have the highest esteem for the Senator from Pembina County, but when these facts were brought to me from the State Bonding Department, with their affidavit showing these things had been done, I, as a citizen,

thought it my duty to have this resolution introduced. It has always been my contention that a man is innocent until he is proven guilty. Things cannot continue in this way any more. I realize I am a new Senator, and if I have done anything wrong, I owe an apology to Senator Whelan. I would like to have this matter taken up in the Committee and show them the affidavits, and leave it to their discretion."

The question being on the motion of Senator Whelan, that Senate Resolution "H" be adopted, the motion prevailed and Senate Resolution "H" was declared adopted.

Senator Morrison presented a communication from Insurance Commissioner Oscar E. Erickson, containing opinions by Attorney General P. O. Sathre and one of his assistants relative to the booklet entitled:

**"APPARENT IRREGULARITIES IN THE STATE HAIL INSURANCE DEPARTMENT"**

Which was read from the desk.

**COMMUNICATIONS AND MOTIONS IN CONNECTION WITH BOOKLET ENTITLED "APPARENT IRREGULARITIES IN THE STATE HAIL INSURANCE DEPARTMENT"**

Senator Whelan moved that the Commissioner of Insurance be instructed to place a copy of the booklet entitled "Apparent Irregularities in the State Hail Insurance Department" on the desk of each member of the House and Senate, which motion prevailed. (Senate Journal of January 26th, page 226).

Senator Whelan called attention to motion made by him yesterday requesting State Hail Insurance Commissioner to submit copies of booklet entitled: "Apparent Irregularities in the State Hail Insurance Department."

And requested the Secretary to make a report on what had been done toward securing this information. The Secretary reported that he had called at the office of the Insurance Commissioner and the Attorney General, and was informed that they had no copies of such report in their possession. Senator Whelan said that he had on his desk a copy of a 15-page booklet entitled: "Apparent Irregularities in the State Hail Insurance Department," prepared by Harold Hopton, former Insurance Commissioner. In addition there was attached thereto an affidavit from the Bismarck Tribune, signed by its manager, stating that they had on December 31, 1936, received a state requisition directing them to print 750 copies of such report. That on January 4, 1937, such copies were delivered to the Hail Insurance Department and receipted for; that the bill for such printing was still unpaid. Senator Whelan asked what disposition the Senate wished to make of the matter.

Senator Watt moved that such printed material be referred to the Insurance Committee, which motion prevailed. (Senate Journal of January 27, page 237).

Senator Whelan called attention to the Journal of January 27, page 237, wherein the Secretary had reported that he had called at the office of the Insurance Commissioner and of the Attorney General, and had been informed that they had no copies of the pamphlet entitled: "Apparent Irregularities in the State Hail Insurance Department," in their possession.

Senator Whelan also called attention to the letter received from the Insurance Commissioner stating that upon payment of bill for printing same, he would turn such pamphlets over to the Senate. Senator Whelan moved that the Secretary be instructed to demand of the Insurance Commissioner that he deliver such pamphlets to the Senate at once, which motion prevailed. (Senate Journal of January 28th, page 258).

Senator Morrison moved that Senator Whelan's motion be laid on the table, which motion was lost. (This motion accidentally omitted from Journal but has been inserted in Permanent Journal). (Senate Journal of January 28th, page 258).

Letter from Oscar E. Erickson, State Insurance Commissioner, dated January 28, 1937:

#### STATE OF NORTH DAKOTA

Department of Insurance

Bismarck

January 28, 1937.

To the Members of the Senate:

My attention has been called to the Resolution requesting the Commissioner of Insurance to deliver to the Senate certain pamphlets entitled, "Apparent Irregularities in the State Hail Insurance Department."

For your information I wish to call to your attention that these pamphlets were ordered by the former Commissioner of Insurance in the closing days of his administration. They, together with the bill therefor, were presented to this department several days after the present Commissioner took office. It is my opinion that they are of no value to this State, hence I have taken personal charge of the matter and requested the Auditing Board to reject the bill for printing. I wish, however, to inform the Senate that if they desire these pamphlets and will present this department with a receipt showing that the printers have been paid in full, the pamphlets will be turned over to them without any question.

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I request that this letter be read to the Senate in session and be printed in the Journal in full.

Respectfully yours,

OEE:ab OSCAR E. ERICKSON,  
Insurance Commissioner.

Letter from the Secretary of the Senate to the Commissioner of Insurance, dated January 28, 1937:

Senate Chamber  
TWENTY-FIFTH LEGISLATIVE ASSEMBLY  
State of North Dakota  
Bismarck

January 28, 1937.

Mr. Oscar E. Erickson,  
Commissioner of Insurance,  
Bismarck, North Dakota.

Dear Sir:

I have been instructed by the Senate of the State of North Dakota, to demand that you immediately furnish to me a sufficient number of the booklets entitled "Apparent Irregularities in the State Hail Insurance Department," as prepared by Harold Hopton, former Commissioner of Insurance, to supply each Senator with one copy.

Respectfully yours,

TM:RS THOMAS McDONALD,  
Secretary of the Senate.

Also reply from Commissioner of Insurance:

When I am furnished a receipt showing printer has been paid, above will be delivered. Until then I defy the Senate to get them.

OSCAR E. ERICKSON,  
Commissioner of Insurance.

Letter to the Senate from Commissioner of Insurance, dated January 30, 1937:

STATE OF NORTH DAKOTA  
Department of Insurance  
Bismarck

January 30, 1937.

To the Senate:

This morning I was asked by some of the Senators the grounds for my refusal to comply with the Senate's request in furnishing pamphlets issued by the former Commissioner

of Insurance. At that time I stated that I felt that these pamphlets were of no value to the State of North Dakota nor to the Hail Insurance Department, that they were only duplication of records on file with the Hail Insurance Department and the Attorney General's office, that the pamphlets were of a personal nature, and that I could see no good reason why I, as Commissioner of Insurance, should spend the taxpayers' money. For the above mentioned reasons I have requested the Board of Auditors to reject the bill for printing.

I am attaching hereto opinions rendered by the Honorable P. O. Sathre, Attorney General, and Mr. James Austin, Attorney for the Hail Insurance Department, which bear out these contentions. The attached copies are the originals and I would ask that they be returned to this Department for our files. I hope that the Senate will see the futility of spending the public funds in this manner.

Yours very respectfully,

OSCAR E. ERICKSON,  
Insurance Commissioner.

Letter from W. J. Austin, Attorney for Department of Hail Insurance, dated January 30, 1937:

STATE OF NORTH DAKOTA

Department of Hail Insurance

Bismarck

January 30, 1937.

O. E. Erickson,  
Insurance Commissioner,  
Bismarck, North Dakota.

Dear Mr. Erickson:

You have asked for an opinion as to the value to the department of a published pamphlet prepared by the former Insurance Commissioner and entitled, "Report of Apparent Irregularities in the State Hail Insurance Department."

A careful study of the pamphlet discloses that it contains:

1st. Excerpts from original hail insurance department files.

2nd. Excerpts from the official audit of the hail Insurance Department.

3rd. Comments and conclusions of Mr. Hopton, former Insurance Commissioner.

In any investigation, by yourself or other body, the original files and audits are the best evidence and speak for themselves. Mr. Hopton's conclusions, while of interest, are the statements of an individual and are of little, if any, value to the department.



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It is therefore my conclusion and opinion that the pamphlet is of no value to the department or to any other investigating body, aside from the purely personal angle that it presents.

Very truly yours,

W. J. AUSTIN,  
Department Attorney.

Letter from P. O. Sathre, Attorney General, dated January 30, 1937:

STATE OF NORTH DAKOTA

Office of Attorney General

Bismarck

January 30, 1937.

Honorable Oscar E. Erickson,  
Insurance Commissioner,  
Bismarck, North Dakota.

Dear Mr. Erickson:

I have yours of January 30th submitting an opinion written by Your Mr. Austin, Department Attorney, relative to a certain pamphlet issued by former Insurance Commissioner Harold Hopton entitled "Report of Apparent Irregularities of the State Hail Insurance Department."

For your information I can advise that the original files in connection with the irregularities referred to in Hopton's report are in my office and I shall be glad to have a committee from the Senate examine the same. However, inasmuch as I have only one copy of each document, it would not be advisable to turn the files over to a committee of large numbers, but I shall be glad to have any committee appointed by the Senate examine such files whenever convenient.

I agree with Mr. Austin that it is of no particular value since the original documents are the best evidence and speak for themselves.

Very truly yours,

P. O. SATHRE,  
Attorney General.

REPORT OF APPARENT IRREGULARITIES IN THE  
STATE HAIL INSURANCE DEPARTMENT

—By—

HAROLD HOPTON

Insurance Commissioner, State of North Dakota

January 2, 1937.

To the Members of the House of  
Representatives and of the Senate  
Twenty-fifth Legislative Assembly  
Bismarck, North Dakota

Dear Sirs:

Arising out of the operations of the Hail Insurance De-

partment for the year 1935, certain complaints are alleged to have been filed with the Governor of the State alleging irregularities. These activities resulted in numerous rumors, many of which are, no doubt, unfounded. It is a fact, however, that Acting Governor Walter Welford ordered an investigation through Attorney General P. O. Sathre, in the early part of February, 1936. In all probability a report has been filed by the Attorney General with the Acting Governor of his findings arising out of his investigation, but to my knowledge his findings have not been made public. The findings of the investigation no doubt can be obtained upon request. The State Board of Auditors instructed Mr. James Shirek, the official auditor, to audit the Department, his examination commencing in the latter part of 1935. His report was based on operations of the Department from October 1, 1934, to December 31, 1935, and was released on or about June 8, 1936.

While the official audit and investigation under the supervision of the Attorney General was in progress, your Insurance Commissioner discovered an irregularity, the facts of which were released immediately upon discovery, which was on or about February 8, 1936.

The irregularity in question pertains to the file of one Axel Person, Steele County, involving Chas. Ouradnik, Agent for the owner, and Howard E. Fliming, the owner.

Previous to the discovery of the irregularity in the Person claim, certain rumors pertaining to same caused an investigation of that particular file. There was nothing in the file upon discovery to reveal its irregularity for the reason that certain documents had been removed therefrom and others substituted in lieu thereof, concealing the true status of the claim in question. Upon examining the warrants in payment of the claim it was discovered that the name of a certain endorsee had been erased with some chemical compound, and naturally a move was immediately made to determine the reason for this erasure. This led to the recovery of the documents that had been removed from the file and exposed the claim as an absolute irregularity.

At the time of investigating this file and before the disclosure was made, the Attorney General was called and was present at the time of discovering the pertinent facts in the case, and to the Attorney General one Mary Sundby confessed having endorsed a certain warrant, cashing it through the State Treasurer's office and of turning the money over, involving the sum of one hundred and fifty dollars (\$150.00), to C. J. Myers. Upon discovery of C. J. Myers actually being involved, the Attorney General moved and recommended to the Insurance Commissioner the immediate dismissal of C. J. Myers, who, previous thereto, had been acting as Assistant Manager in the Hail Insurance Department.

With reference to the Axel Person Claim, I take this opportunity of quoting from the Audit Report prepared by Adam A. Lefor, State Bank Examiner, which reads as follows:

AMOUNT

CLAIM NUMBER 715-P Axel Person, Luverne, N. D.  
Steele County, \$2,340.00

Application No. 30606 Dated July 1st & 2nd 1935 at 10:00 P. M. (the date of the application appears to have been changed) for hail insurance during the year 1935 in the amount of \$2,400.00 covering crops upon the N $\frac{1}{2}$ -19-145-57 bears a signature of one Axel Person and counter-signed by F. B. Johnson, assessor. The time-stamp impression shown on the reverse side of the application indicates that it was received in the Hail Department office in Bismarck, N. D., on July 3, 1935, at 1 o'clock P. M.

"This application was rejected by the Hail Insurance Department for the reason that it lacked consent to insure by the owner or authorized agent. Copy of the statement of rejection is missing from the files.

"In our examination of the files we found a consent to insure attached to the application dated July 1, 1935, bearing the signature of Chas. Ouradnik. According to a letter from Mr. Ouradnik to the Hail Insurance Department under date of July 5, 1935, received by the Department on July 6, 1935, the signature on the owner's consent to insure attached to the application was not authorized. Mr. Ouradnik's letter states in part:

'I am inclosing owner's consent to insure on the N $\frac{1}{2}$ -19-145-47, Steele County. The application for insurance was made by our tenant Axel Person of Luverne, and he also signed the consent to insure without permission. The inclosed blank properly filled out is signed by the owner himself. Please return the other blank to me.'

"We have compared the signature appearing on the second consent to insure dated June 17, 1935, with the indorsement appearing on the warrant No. 12650 for \$378.00 payable to Howard E. Fleming, however, the warrant is endorsed Howard W. Fleming. The signatures differ materially and we have no way to ascertain from the records if Howard E. Fleming and Howard W. Fleming is one and the same person.

"On July 5, 1935, the Hail Insurance Department received a notice of loss signed by Axel Person as tenant stating that crops were damaged by hail on July 2, 1935, at 1 o'clock P. M. The notice of loss was rejected. Then according to the receiving time-stamps appearing on the notice of loss sometime between July 5, 1935, and November, 1935, the application for hail insurance was reinstated and the hail loss paid. The word "REJECTED" written across the face of the notice of loss is crossed out with lead pencil and the word "RE-INSTATED," C. J. M. is written direct below REJECTED.

"The application for hail insurance covers crops on the N $\frac{1}{2}$ -19-145-57 divided into fields as follows:

Field No.	Description	Kind of Crop	Acres Insured	
			For \$8.00	Amt.
1	N½ - 19	Wheat	100	\$ 800.00
2	N½ - 19	Oats	30	240.00
3	N½ - 19	Flax	70	560.00
4	N½ - 19	Barley	100	800.00
TOTAL			300	\$2,400.00

Owner—Howard E. Fleming, New York, Interest in crop ¼.

Tenant—Axel Person, Luverne, N. D., Interest in crop ¾.

Hail Loss adjusted by O. E. Lofthus, Adams, North Dakota, on July 19, 1935.

“We have secured the triplicate copy of the proof of loss from Mr. Lofthus to compare same with proof of loss in the files signed by O. E. Lofthus by C. J. M., and find that the percentage of loss on the proof of loss which is signed O. E. Lofthus by C. J. M., is as follows:

Field No.	Description	Kind of Crop	No. of Acres	% Damage	Amt. Per Acre	Amt. Allowed
1	N½-19	Wheat	100	100%	\$8.00	\$ 800.00
2	N½-19	Oats	30	85%	8.00	240.00
3	N½-19	Flax	40	100%	8.00	320.00
3	N½-19	Flax	30	75%	6.00	180.00
4	N½-19	Barley	100	100%	8.00	800.00
TOTAL.....						\$2,340.00

Triplicate copy of Proof of Loss signed by O. E. Lofthus, dated July 19, 1935, obtained from Mr. Lofthus is as follows:

Field No.	Description	Kind of Crop	No. of Acres	% Damage	Amt. Per Acre	Amt. Allowed
1	N½-19	Wheat	100	100%	\$8.00	\$ 800.00
2	N½-19	Oats	30	50%	4.00	120.00
3	N½-19	Flax	40	100%	8.00	320.00
3	N½-19	Flax	30	60%	4.80	144.00
4	N½-19	Barley	100	100%	8.00	800.00
TOTAL .....						\$2,184.00

“The proof of loss signed O. E. Lofthus by C. J. M., is raised \$156.00.

“There are two assignments of hail indemnity in the file, one is signed Howard E. Fleming by Charles. Ouradnik, Farm Manager, and the other is signed by Axel Person. Each assignment assigning \$468.00 to William Langer of Bismarck, N. D., ‘For services rendered.’ Both assignments are witnessed by C. J. Myers and OK’d by C. J. M., Nov. 15, 1935, bearing notation (Pay \$468.00 only on both assignments).

Payment of hail indemnity made as follows:

**FIRST PAYMENT:**

Warrant No. 12650 to Howard E. Fleming in the amount of .....	\$ 378.00
Warrant No. 12651 to Axel Person, amount \$1,134.00	
Warrant No. 12652 to Wm. Langer in the amount of .....	468.00
Warrant No. 12651 was cancelled and two warrants issued in lieu of same as follows:	
Warrant No. 12653 to Axel Person in the amount of .....	150.00
Warrant No. 12654 to Axel Person in the amount of .....	984.00

**SECOND PAYMENT:**

Warrant No. 15853 to Howard E. Fleming for.....	30.00
Warrant No. 15834 to Axel Person for.....	90.00
	<hr/>
	\$2,100.00
Hail indemnity tax deducted .....	240.00
	<hr/>
<b>TOTAL PAID .....</b>	<b>\$2,340.00</b>

"Warrant No. 12653 was endorsed by Axel Person and Mary Sundby, cashed at the office of State Treasurer on November 18, 1935.

"Upon our first examination of this warrant both endorsements appeared on the warrant. When we made our final check of this claim the endorsement of Mary Sundby was removed from the warrant by being erased by some person or persons.

"The file also containing a bond dated Nov. 15, 1935, upon which Axel Person is principal and Chas. Ouradnik appears as surety. The condition of this bond is that if the hail department is ever sued on this claim by any taxpayer because the said claim has been paid and a judgment is recovered against the Hail Insurance Department then this obligation shall be in full force and effect. The principal and surety agree to pay the said judgment and defend the suit when it is brought."

"There also appears in the body of this bond the following 'Whereas, the facts are that the said Axel Person believed from correspondence that he did have the right to sign the said consent to insure.'

"In our opinion the payment of this claim is irregular for the reason that there was not on file as part of the application, a valid consent to insure. Therefore the application was not complete and the insurance not effective at the time the crop was struck by hail.

"Action for recovery of the amount involved has been started against the bond of C. J. Meyers."

Under date of February 18, 1936, your Insurance Commissioner sent the following letter to Honorable Walter Welford, Acting Governor, a copy of the same being forwarded to the Attorney General:

**"DEAR GOVERNOR WELFORD:**

In order that you may be fully advised as to the facts

involved in the matter of the hail claim of Axel Person of Luverne, North Dakota, which has very recently become a matter of public interest and public concern, I am transmitting herewith the file containing all the papers and documents presently in the possession of the Hail Insurance Department. In this connection it is my intention to provide you, as the Chief Executive Official of this State, with all the available information relating to this controversy for the purpose of aiding and assisting you in taking such action as you see fit.

For your further convenience I am outlining chronologically the steps taken in connection with the payment of this hail claim, which outline is based on the contents of the departmental file in the Person Case.

(1) Under date of July 1, 1935, Application No. 30606 for hail insurance during the year 1935, covering crops upon the N½ of Section 19, Township 145, Range 57, was signed by one Axel Person and countersigned by F. B. Johnson, assessor. The mail time-stamp impression shown on the reverse side of the application indicates that it was received in the Hail Department offices in Bismarck on July 3, 1935, at 1:00 o'clock P. M. The full amount of insurance applied for in this application was \$2,400.00. It will be noted also that the name of Howard E. Fleming, New York, New York, is carried as owner of the land with one-fourth interest in the crop, and the name of Axel Person as tenant.

(2) At the present time there is attached to this application by means of wire staples, a "Consent to Insure" dated July 1, 1935, and signed by one Chas. Ouradnik as "Authorized Agent of Owner."

(3) Under date of July 3, 1935, a "Report of County Auditor" was submitted by the Auditor's office of Steele County, which report confirms the information shown by the application as to ownership and tenancy of the property.

(4) There also appears in the file a carbon copy of a document which purports to give to the owner, Howard E. Fleming, a first lien against the crop upon this property in the amount of the hail insurance premium, and which acknowledges receipt of a Consent to Insure. This assignment is signed by Axel Person under date of July 1, 1935, and also bears the signature of one F. B. Johnson as witness.

(5) Under date of July 5, 1935, there appears in the file a letter signed by Chas. Ouradnik, dated at Petersburg, North Dakota. I wish to point out particularly that Mr. Ouradnik in this letter indicates that Axel Person "signed the Consent to Insure without permission." This letter encloses a second Consent to Insure by one Howard (W) Fleming, the middle initial being indistinct. I further wish to bring to your attention the fact that this letter and the second Consent to Insure were not contained in the file when this case first came to my attention on February 5, 1936, and have only subsequently been recovered.

(6) The file next contains a Notice of Loss No. 715, un-

der date of July 3, 1935, which states that a hail loss was suffered on that date at 1:00 o'clock P. M.

You will note in particular that on the face of this notice appears the word "Reject" in red pencil, which was later crossed out. Below this appears the following: "Reinstated, C.J.M." The initials are those of Mr. Cyril J. Myers, former Assistant Manager of the Hail Insurance Department.

(7) There next appears in the file a Proof of Loss of Mr. Axel Person, taken by the Hail Department adjuster. The amount of the loss was agreed upon at \$2,340.00.

(8) The adjuster of the Department that handled this case submitted a special report which accompanied the Proof of Loss. This report is significant only for the statement made therein that Mr. Person is a poor man. It will be noted later that Mr. Person's bond was accepted by the Department in connection with the payment of this claim.

(9) Two assignments of hail indemnity, made upon printed forms provided by the Hail Department, appear in the file. The assignments in both instances is made to Mr. William Langer "for services rendered" in the amount of \$468.00, and being witnessed in each instance by Mr. C. J. Myers. One of these assignments is signed by Axel Person, the other by Chas. Ouradnik for Mr. Howard E. Fleming. These assignments bear no date but were approved on November 15th by C. J. Myers.

(10) Next there appears a bond dated November 15th upon which Axel Person is principal and Chas. Ouradnik appears as surety. The condition of this bond is that, "If the Hail Department is ever sued on this claim by any taxpayer because the said claim has been paid to the said Axel Person and Howard E. Fleming, and a judgment is recovered against the Hail Insurance Department then this obligation shall be in full force and effect, and the principal and surety agree to pay the said judgment and defend the suit when it is brought. . ."

There also appears upon the bond the following: "WHEREAS, the facts are that the said Axel Person believed from correspondence that he had had that he did have the right to sign the said Consent to Insure."

(11) Next appears the Departmental "Record of Indemnity and Deductions." It will be noted under "B. Warrants issued as follows," that a distribution was made on November 15th to Howard E. Fleming, \$378.00; Axel Person \$1,134.00; and William Langer \$468.00.

(12) The file also contains the warrants executed in payment of this loss. They are numbered 12650, 12652, 12653 and 12654.

It appears that the warrants numbered 12650, 12651 and 12652 were first written in accordance with the amount of the distribution carried on the record of indemnity and de-

ductions just discussed. However, warrant No. 12651 in the amount of \$1,134.00 payable to Axel Person has been cancelled as appears from a Departmental letter under date of November 16th to the Treasurer. The explanation is that "This warrant was incorrectly issued." Warrant No. 12653 in the amount of \$150.00 and Warrant No. 12654 in the amount of \$984.00 both payable to Axel Person were issued to replace this cancelled warrant.

Your attention is particularly called to warrant No. 12654 in the amount of \$150.00. This is the warrant from which the endorsement of one of the clerical employees, who cashed the warrant in the Treasurer's office, has been chemically removed.

(13) The file also contains a letter under date of December 6th from Mr. Ouradnik, who was surety on the bond, which says "They are holding up the check, thinking that it may be best that Mr. Fleming himself sign the bond and have this on file." Who the "they" referred to, may be is not determined. However, it is noted that Mr. Fleming did not cash the check payable to himself until January, 1936.

(14) Finally the file contains purported copies of correspondence submitted to the Department since the case first came to my attention. One group of letters presumably took place between the tenant and the Mortgage Loan Company handling the owners business. The second group presume to show the correspondence between William Langer and his clients, Chas. Ouradnik and Axel Person.

There are certain other particulars which deserve your consideration:

(A) On the lower left hand corner of the application, where the Consent to Insure is attached by means of wire staples, appear several perforations indicating that the Consent to Insure has been removed or replaced. This is a matter of great importance since the matter of validity to insure and the timeliness in presenting this consent to the Department are of prime importance in determining whether any insurance actually existed upon the crop at the time the loss was suffered.

(B) I will ask you to compare the signature of Chas. Ouradnik appearing upon the Consent to Insure now attached to the application and those signatures appearing upon his letter of July 5, 1935, mentioned in Paragraph (5) and upon the bond mentioned in Paragraph (10) above.

(C) Another matter for consideration is the apparent difference in the signatures of Howard E. Fleming, the owner, appearing upon the Consent to Insure mentioned in Paragraph (5) and upon the warrant numbered 12650.

This is the extent of the information appearing on the record as to the handling of this case. If any matters of doubt arise in connection with your study of this file I shall



be glad to give you what further assistance and information I have.

For the convenience of the Attorney General I am transmitting to him a copy of this letter."

Yours very truly,

HAROLD HOPTON /s/  
INSURANCE COMMISSIONER.

JTM:ab

James T. Murphy, duly licensed Attorney at Law and Attorney for the Hail Insurance Department, rendered his opinion with reference to the above described claim, which reads as follows:

MEMORANDUM FOR MR. HOPTON

February 18, 1936.

"At your suggestion I have prepared a very brief statement of the law applicable to the case of Axel Person looking to the question as to whether or not the policy of insurance filed by Mr. Person in 1935 was subject to approval under the Hail Insurance Law.

"The pertinent facts so far as relevant are those that the application as filed by Mr. Person was received in the Hail Department office in Bismarck on July 3, 1935, at 1:00 P. M. The loss suffered on this crop occurred on the same date at the same hour, namely, July 3, 1935 at 1:00 o'clock P. M. A claim for the damage suffered by the crop of Mr. Person through this storm was subsequently approved by the Department.

"I think it is a fair statement of the law that an insurance risk may not be insured subsequent to the time of the loss upon a claim is filed. That is so simple a proposition as to need no statement of authorities in its support. I am reliably informed that such has been the continuous practice of the Hail Insurance Department since its inception. This is in itself what the courts term a practical construction of a statute by usage. However, in the event that there is any doubt in anyone's mind that it was the intention of the Legislators in enacting the Hail Law to provide insurance only subsequent to the time at which the application becomes effective, the following excerpts from Section 9 of the Hail Law are enlightening:

"Such application may be taken by the assessor at any time before crops are struck by hail and not later than the 15th day of July of the year for which said insurance is provided. Provided, however, that in no case shall insurance take effect before such application is actually received in the office of the Hail Insurance Department."

"Provided, however, that such applicant may amend such application as to kind of crop and location there-

of at any time before July 6th, and before loss, by notifying the Hail Insurance Department thereof by registered mail." 189b9 Supp. C. L. 1925 as amended by Chapter 137 S. L. 1933.

The only question which arises in connection with the Person claim is whether or not the application was complete on July 3, 1935, at 1:00 o'clock P. M. and was effective before loss.

"My answer to that question is that the application was not complete and the insurance was not effective for the reason that there was not on file as a part of the application a valid Consent to Insure.

"The significant portions of the Hail Law indicating the necessity for the presence of a Consent to Insure as a part of the application appear in the last portion of Section 15. 189b15 Supp. C. L. 1925 as amended by Chapter 137 S. L. 1933.

"If the applicant is a tenant, the signed consent of the person liable for the taxes authorized by this act must appear upon such application. . . If either owner or tenant, in filing such application, acts as agent one for the other, a written authorization shall be attached to the application."

"A second portion of the Hail Law requiring this consent to insure appears in Section 11 of the Hail Law.

"Where the cropper is a tenant, he shall, in making application for state hail insurance, secure the owner's consent in writing to such application but such consent may be filed on separate forms or letter to be made a part of the application."

"On July 3, 1935, there was attached to the application a Consent to Insure which purported to be signed by Mr. Chas. Ouradnik as agent for the owner. However, it appears from a letter dated July 5, 1935, and signed by Chas. Ouradnik, which letter is a part of the Person file, that this Consent to Insure does not bear the legal signature of Chas. Ouradnik, but was in fact signed by Mr. Axel Person. Further, this act of Mr. Person in signing Mr. Ouradnik's name to the Consent to Insure was wholly without authority either from Mr. Ouradnik or from Mr. Howard W. Fleming. Further, even though Mr. Person did have authority to act in behalf of Mr. Ouradnik and Mr. Fleming his acts in this instance were ineffective for the reason that the authorization to act must be a written authorization and appear in the file as a part of the application under the provisions of Section 15 above quoted.

"Subsequent to the loss it is true that Mr. Ouradnik, presumably acting as agent for Mr. Howard W. Fleming the owner, submitted to the Department a further Consent to Insure which purported to bear the personal signature of Mr. Howard W. Fleming. However, as we have already in-

dicated, this action on the part of the property owner was wholly ineffective to accomplish its purpose in giving rise to a policy of insurance for the reason that the action was taken too late. Insurance protection cannot be invoked subsequent to the time at which a hail loss is suffered. This summary of the law is intended for your convenience, and of course is not presumed to fulfill such a purpose as an opinion of the Attorney General might serve."

Respectfully submitted,  
JAMES T. MURPHY /s/

JTM:ab

While the Attorney General of the State has not written a formal opinion pertaining to this case, it is reasonable to assume from his activities in connection therewith that he too concurs in the opinion of Attorney Murphy that the claim is irregular, public money having been illegally disbursed.

Photostatic copies have been made of the important documents in this file and kept for purposes of proof when desired. The originals have been turned over to the present Insurance Commissioner and receipts accepted therefor.

It is apparent from the file that the claim of Axel Person, the owner and his agent, was rejected sometime previous to July 23, 1935, according to a copy of a letter written by the then Assistant Manager, namely, C. J. Myers. This claim remained rejected until about the middle of November, 1935, when it was apparently resurrected and reinstated by C. J. Myers and paid.

Upon examination of the file when discovered by the auditors, the said file did not include a certain letter dated July 5, 1935, addressed to the Hail Insurance Department and signed by Chas. Ouradnik. Said letter reads as follows:

"I am enclosing owner's 'Consent to Insure' on N $\frac{1}{2}$  of Section 19-145-57, Steele County. The application for insurance was made by our tenant, Axel Person of Luverne, and he also signed the consent to insure WITHOUT PERMISSION. The enclosed blank properly filled out is signed by the owner himself. Please return the other blank to me."

"I received a copy of the Insurance Law together with statement of costs covering three years. This has been passed on to the company for their records. Please send me copy of the law and costs sheets for my file, and oblige.

Yours very truly,

CHAS. OURADNIK,  
Farm Manager."

The above quoted letter was subsequently discovered in the desk of C. J. Myers after his dismissal from the office.

It must be remembered that the Hail Insurance Law, according to Section 9 in part, reads as follows:

“ . . . Provided, however, that in no case shall insurance take effect before such application is actually received in the office of the Hail Insurance Department. . . .”

The records of this file reveal that the crop was destroyed as a result of hail on July 3rd at 1:00 o'clock P. M. The letter above quoted shows that it was written two days after the crop of Axel Person was destroyed by hail. Hence, it is evident beyond any question of doubt that the insurance on this crop could not be made effective. There had been no contract or consent to insure by the owner previous to the crop being destroyed by hail, had the crop not been destroyed by hail, the owner or his agent may not have given consent and the Department could not have recovered the premium. This same letter reveals beyond any question of doubt that the original consent to insure was a forgery and exposed the file as irregular and one that was rightfully rejected in the first place and wrongfully reinstated and the money illegally disbursed.

Upon discovery of this file your Commissioner of Insurance gave out all of the facts pertaining thereto, including the name of the attorney representing Axel Person, which appears to have been William Langer.

If the attorney for the claimant had no knowledge of the letter written by Chas. Ouradnik, dated July 5th and heretofore quoted, then it is apparent he would have no reason to believe that his client was within his rights in making demand for payment of this claim. It is also probable that Axel Person himself may have been sincere. It is also very probable that Axel Person may have acted in this case with sincere motives, not being familiar with the law and the technicalities which act as a complete bar to the payment of this claim.

It will also be noted that the original warrant No. 12651 issued to Axel Person for the sum of \$1,134.00, minus tax deductions, was cancelled and two warrants issued in lieu thereof, namely: 12653 and 12654 in the sum of \$150.00 and \$984.00, respectively. Warrant No. 12653 in the sum of \$150.00 was cashed through the State Treasurer's office, having been endorsed by Axel Person and turned over to C. J. Myers. This warrant was endorsed and cashed by Mary Sundby, who claims she turned the proceeds over to Mr. Myers.

Axel Person, in a sworn statement before the Assistant Attorney General, under date of February 7, 1936, swears as follows:

STATE OF NORTH DAKOTA, }  
 County of Steele } ss.

Axel Person, being first duly sworn, on oath deposes and says:—That he is the person to whom hail loss claim was al-

lowed by the State Hail Insurance Department of the State of North Dakota in the year 1935, and to whom State Auditor's Warrants No. 12653 and 12654 were issued in payment of part of said loss claim; That the endorsement "Axel Person" appearing on the back of said warrant No. 12653 was written thereon by affiant in the office of C. J. Myers, an employee of the State Hail Department; and that as so endorsed was delivered to the said C. J. Myers to be cashed, and that when so cashed the proceeds of said warrant of \$150.00 was to be paid by the said Myers to Wm. Langer for and on behalf of affiant, and as a bonus by affiant to said Wm. Langer for procuring said settlement, in addition to the 25% contingent fee of collection previously agreed to be paid to said Wm. Langer for making said settlement; That to the best knowledge and information of affiant the said C. J. Myers received no part of said proceeds of said last mentioned warrant and that the whole thereof were paid by said C. J. Myers to the said Wm. Langer in accordance with instructions given by affiant to the said Myers regarding the proceeds of said warrant.

That affiant never directly or indirectly paid or agreed to pay to the said C. J. Myers or any other person in any way connected with the State Hail Insurance Department any money or other property of any kind for helping in any manner in settling with the Hail Department the hail loss first above referred to.

AXEL PERSON /s/

Subscribed and sworn to before me this 7th day of February, 1936.

CHAS. A. VERRET, Notary Public, North Dakota.

It was alleged by C. J. Myers that this \$150.00 was turned over to William Langer, but according to reliable information given to your Insurance Commissioner, this statement of C. J. Myers' is denied by William Langer.

At this point it will be well to remember that the original Proof of Loss was removed from the file and in lieu thereof a substitute was filed, signed by Axel Person and witnessed by C. J. Myers. Upon checking over with the adjuster, namely, O. E. Lofthus, we find that the original Proof called for the sum of \$2,184.00, while the substituted proof called for \$2,340.00, a difference of \$156.00, and there is nothing in the file to show the reason why this additional allowance was granted, and indicates the basis being almost similar in amount for the allowance of the \$150.00 warrant issued, cashed, and the proceeds mysteriously disposed of.

To those not familiar with the working conditions of the Hail Insurance Department, it might appear strange that even an adjustment was made on this damaged crop when in fact it had been rejected. In explanation it must be remembered that thousands of applications were being filed in the Department each day on or about July 3rd; that immediately upon the heels of these many applications were

loss reports being filed, making it an absolute impossibility to keep up with the work, and naturally instructions to adjust went out on all claims reported and accounts for an adjustment being made on July 19th, previous to the date of the rejection notice going forward to the tenant, namely, Axel Person.

This particular claim constitutes two wrongful acts. One goes to the root of the claim itself, as, under the Hail Insurance Law, the claim was void from its inception. The other is with respect to the increased allowance of \$156.00, independent of the original status.

There are no records in the file to show that the claim should have been increased, and the fact that the original proof was removed and a new one substituted in lieu thereof for the increased amount, indicates bad faith. The cashing of the \$150.00 warrant and the erasing of an endorsee thereon and the mysterious disposal of the proceeds thereof, indicates bad faith. The substituted Proof of Loss when discovered by your examiners revealed the name of O. E. Lofthus as adjuster and written so as to imitate his original signature. Subsequent thereto and before the dismissal of C. J. Myers, his initials were placed beneath the signature of O. E. Lofthus as follows: "By C. J. M." Apparently these initials had been subsequently added to take it out of the class of forgery, also indicating bad faith.

I also take this opportunity of reporting to you an apparent irregularity in connection with the claim of Wm. Gerhardt of Morton County, North Dakota, involving the sum of \$1,832.00. The following is quoted from the audit of the Hail Insurance Department as made by Mr. Shirek and released on or about June 8, 1936:

"CLAIM NUMBER 3083-G Wm. Gerhardt, Flasher,  
N. D. Morton County, \$1,832.00

"Application No. 38785 against which claim No. 3083-G was filed for hail loss is dated July 10, 1935, at 10:00 A. M. This covers all of Section 1-134-83 and the S $\frac{1}{2}$  of the SW $\frac{1}{4}$  and the SE $\frac{1}{4}$  of the SE $\frac{1}{4}$ -2-134-83. One-half interest in the crop to Matt Gerhardt, owner, and one-half interest in the crop to Wm. Gerhardt, tenant.

"The application was received by the Hail Insurance Department on July 11, 1935, at 8:00 A. M., according to the receiving stamp, and the approval date shows July 10, 1935, at 8:00 a. m. The date of approval on the duplicate application appears to have been changed from July 11, 1935, at 8:00 A. M. to July 10, 1935, at 8:00 A. M.

"On July 12, 1935, Wm. Gerhardt sends notice of loss to the Hail Department stating that his crops were damaged by hail on July 10, 1935, at midnight. However, the month has been changed from June to July. The

notice of loss shows a notation in the upper right hand corner the following: "No policy received as yet."

"The notice of loss was rejected and stamped across the face "Rejected by C. J. M. 7-22-35.

"A copy of a letter from the Hail Department written by the Assistant Manager addressed to Wm. Gerhardt, Flasher, N. Dak., dated July 23, 1935, stating in part:

"We regret to have to inform you that the Hail Insurance Commissioner has found it necessary to reject your notice of loss in connection with your application for insurance on the above descriptions for the reason that your application for insurance did not arrive in this office until July 11, and your notice of loss shows that hail struck your crop on July 10.

"According to the law under which this Department operates all applications for insurance must be received in this office prior to the date of the storm or same must be rejected.

"We are very sorry that there is nothing that can be done in connection with adjusting your loss as we must operate in strict accordance with Sec. 9 of the Hail Law."

"On July 24th, 1935, the application was rejected for the reason that the crops were previously struck by hail. It also has written across the face with lead pencil (Reinstate and adjust C. J. M. OK.)

"Then sometime between July 24, 1935, and September 23, 1935, the application was reinstated and the loss paid in full. (Attention is called to the original and duplicate notice of loss. The original is in different handwriting than the duplicate carbon copy. The original is not witnessed and the carbon copy is.)

"The adjustment of the hail loss July 10, 1935, was made by O. H. Stefferud and proof of loss signed by O. H. Stefferud, and approved by W. Hermes, and allowed as follows:

Descrip- tion	Kind of Crop	No. of Acres	Pct. Damage	Amt. Per Acre	Amt. Allowed
S½ S½-2	Wheat	44	85%	\$8.00	\$ 352.00
All Sec. 1	Wheat	120	85%	8.00	960.00
All Sec. 1	Speltz	25	85%	8.00	200.00
All Sec. 1	Barley	40	85%	8.00	320.00
All Sec. 1	Oats	10	None	8.00	None
239					\$1,832.00

## PAYMENT MADE AS FOLLOWS:

War. No. 12272 dated 10-22-35 to Matt Gerhardt .....	\$ 772.60
War. No. 12273 dated 10-22-35 to Wm. Gerhardt .....	772.60
<hr/>	
Total of first payment .....	\$1,545.20
War. No. 19102 to Matt Gerhardt .....	47.80
War. No. 19103 to Wm. Gerhardt .....	47.80
<hr/>	
	\$1,640.80
Hail Tax Deductions .....	191.20
<hr/>	
Total .....	\$1,832.00

"This claim in our opinion should not have been reinstated for the reason that hail loss occurred before the application was received by the Hail Department, and is therefore, irregular."

This apparent irregularity was discovered by the State Examiners in their audit covering the period from October 1, 1934, to December 31, 1935, which report is dated June 8, 1936.

The original file in this case has been placed with Oscar E. Erickson, Insurance Commissioner of the State of North Dakota. The statements made by the examiners are verified by the original documents and reveals that the application for hail insurance was received under date of July 11, 1935, while the Notice of Loss reveals that the crop was destroyed by hail under date of July 10, 1935. It is therefore apparent that the claim of Wm. Gerhardt should not have been allowed for the reason that the crop was destroyed by hail before the application was received in the Hail Insurance Department. Therefore, the money disbursed in payment of this claim appears to have been illegally disbursed, constituting a misuse of public funds.

The sympathy of many may go out to a farmer who may have in good faith made application for hail insurance whose crop was damaged or destroyed before the said application was received at the office. No matter what one's sympathy may be, a public official is bound by the law under which he operates as a trustee for the public.

If the claim of Wm. Gerhardt could be legally or lawfully paid, then it must be remembered that there are hundreds of other farmers in the State whose claims were denied for the reason that their crops were destroyed before their application was received in the Department. It must also be remembered that this claim was rejected under date of July 24 and rightfully so according to copy of Notice of Rejection in the original file.

This claim was resurrected and reinstated by C. J. Myers and paid on or about October 22, 1935, according to his ini-



tials under his written statement "Reinstate and Adjust C. J. M." This appears to be a clear case of the violation of a public trust and for which public officials are bonded.

I desire to call your further attention to an apparent irregularity in connection with the claim of C. B. Kjelgaard, Hannaford, N. Dak., Griggs County, about which the following comment is made by Mr. Shirek in his audit of the Hail Insurance Department:

"CLAIM NUMBER	AMOUNT ALLOWED
"521-K C. B. Kjelgaard, Hannaford, N. Dak., Griggs Co.	
Hail Loss allowed on Policy No. 577 .....	\$ 650.00
Hail loss allowed on Policy No. 30167 .....	1344.00

"Application No. 577 against which claim No. 521-K was filed for hail loss is dated May 22, 1935 at 5:00 o'clock P. M. covering the N $\frac{1}{2}$  and NW $\frac{1}{4}$ -29-145-59, insuring 90 acres of wheat on the N $\frac{1}{2}$ -29 and 40 acres of wheat on NW $\frac{1}{4}$ -29 for \$5.00 per acre. The application states the owner to be C. B. Kjelgaard with all interest in the crop and signed by C. B. Kjelgaard.

"Application No. 30167 against which Claim No. 521-K was also filed for hail loss is dated July 2, 1935, at 4:20 o'clock P. M., received by the Hail Department on July 3, 1935, at 1:00 P. M., covering the NE $\frac{1}{4}$ -29-145-59 and the SE $\frac{1}{4}$ -19-145-59, insuring 50 acres barley and 30 acres oats at \$8.00 per acre on the NE $\frac{1}{4}$ -29-145-59 and 80 acres of flax and 40 acres of oats for \$8.00 per acre on the SE $\frac{1}{4}$ -19-145-59. Application states the owner to be A. M. B. and H. B. Kjelgaard with all interest in the crop. This application is also signed by C. B. Kjelgaard.

"The county auditor report shows that A. M. B. and H. B. Kjelgaard were the record owners of N $\frac{1}{2}$ -29-145-59 and that C. M. B. and H. B. Kjelgaard were the record owners of the SE $\frac{1}{4}$ -19-145-59.

"The State Hail Insurance Department rejected both applications for the reason that it lacked consent to insure from the record owner.

"A letter from C. B. Kjelgaard dated June 7, 1935, to the Hail Insurance Department states, in part:

"The county auditor is mistaken in his statement. The deed to this property is issued to C. M. B. Kjelgaard and H. B. Kjelgaard, however. I have purchased my brother's interest in the property and am the sole owner subject to mortgage held by the Federal Land Bank."

"This letter does not state whether the land was acquired by warranty deed or contract for deed.

"On July 5, 1935, at 8:00 o'clock A. M., the Hail In-

insurance Department received a notice of loss dated July 3, 1935, and signed by Carl M. B. Kjelgaard, stating that hail loss occurred on July 3, 1935, at 11:30 a. m. The notice of loss was rejected on account of no insurance and stamped across the face 'Rejected State Hail Insurance Department.'

"Then on August 7, 1935, both applications were re-instated and written across the face of notice of loss 'Re-Instated 8-7-35.'

"The hour on the notice of loss has been changed to read 1:30 o'clock P. M. However, on close examination, the hour 11:30 A. M. is plainly visible. It appears the change of the hour has been made on the notice of loss to read 1:30 P. M. in order to show that the hail storm occurred thirty minutes after the approval of the application. The approved date and hour on the application shows July 3, 1935, at 1:00 o'clock P. M.

"Application for hail insurance No. 577 covers the N $\frac{1}{2}$ -29-145-59 divided into fields as follows:

Field No.	Description	Kind of Crop	Acres. Ins. for \$5	Amount
1	N $\frac{1}{2}$ Sec. 29	Wheat	90	\$ 450.00
2	NW $\frac{1}{4}$ Sec. 29	Wheat	40	200.00
Totals			130	\$ 650.00

Owner—C. B. Kjelgaard, Hannaford. Int. in crop all.

"Application for hail insurance No. 30167 covers the NE $\frac{1}{4}$  and NW $\frac{1}{4}$  29-145-59 and the SE $\frac{1}{4}$ -19-145-59, divided into fields as follows:

Field No.	Description	Kind of Crop	Acres. Ins. for \$8	Amount
1	NE $\frac{1}{4}$ Sec. 29	Barley	50	\$ 400.00
2	NE $\frac{1}{4}$ Sec. 29	Oats	30	240.00
3	SE $\frac{1}{4}$ Sec. 19	Flax	80	640.00
4	SE $\frac{1}{4}$ Sec. 19	Oats	40	320.00
Totals			200	\$1,600.00

Owner—C. M. B. and H. B. Kjelgaard, Hannaford. Int. in crop all.

"The hail loss was adjusted on September 2, 1935, by W. H. Morris and proof of loss is signed by C. M. B. Kjelgaard and W. H. Morris and allowed as follows:

Pol. No.	Field No.	Description	Kind of Crop	No. Acres	% Dam- aged	Amt. per Acre	Amount Allowed
577	1&2	N $\frac{1}{2}$ Sec. 29	Wheat	130	100%	\$5.00	\$ 650.00
30167	2	N $\frac{1}{4}$ Sec. 29	Oats	30	60%	4.80	144.00
30167	4	SE $\frac{1}{4}$ Sec. 19	Oats	40	50%	4.00	160.00
30167	1	N $\frac{1}{2}$ Sec. 29	Barley	50	100%	8.00	400.00
30167	3	SE $\frac{1}{4}$ Sec. 19	Flax	80	100%	8.00	640.00
Totals				330			\$1,994.00

"Payment of the claim allowed was paid as follows:

**FIRST PAYMENT**

Policy No. 577 Warrant to C. B. Kjelgaard ....	\$ 552.50	
Policy No. 30167 Warrant to C. M. B. and H. B. Kjelgaard .....	686.30	
Policy No. 30167 Warrant to Wm. Langer ....	268.80	
<b>Total of First Payment .....</b>	<b>\$1,507.60</b>	

**SECOND PAYMENT**

Policy No. 577 Warrant to C. B. Kjelgaard .....	\$32.50	
Policy No. 30167 Warrant to C. M. B. and H. B. Kjelgaard .....	80.00	112.50
<b>Total Cash Payment .....</b>	<b>\$1,620.10</b>	
Tax Deducted on Policy No. 577 .....	\$ 65.00	
Tax Deducted on Policy No. 30167—	308.90	\$ 373.90
<b>Total .....</b>	<b>\$1,994.00</b>	

"The assignment to William Langer is dated August 1, 1935, signed by C. B. Kjelgaard and witnessed by James Mulloy and J. M. Anderson, and marked O. K. by C. J. M. 9-16-35. In the upper right hand corner of the assignment is written Amt. \$268.80 WH.

"In our opinion this claim is irregular and should not have been paid, for the reason that no consent to insure by the owner is on file, and for the fact that the hour of the hail storm being at 11:30 o'clock A. M. and the insurance did not take effect until 1:00 o'clock P. M. of the same date. In order to show the insurance to be in effect, the hour of the storm was changed to 1:30 P. M. of the same date by someone, and loss paid."

In connection with the above case I wish to state that the original is on file with the Commissioner of Insurance O. E. Erickson and may be investigated for the verification of the Examiner's remarks. Our investigation reveals the Examiner's statements to be in order and appears to be a claim unlawfully paid.

The above quoted irregular claims, consisting of three, constitute all of the discovered irregularities to date, insofar as the office of the Commissioner of Insurance is concerned. In all other cases where the payments of claims have been criticized there is on record what appears to be a valid and reasonable basis for the payment of same.

I would therefore suggest to the Honorable members of the Twenty-fifth Legislative Assembly that a committee be appointed to personally inspect the original documents for veri-

fication of the foregoing statements and to take whatever steps may be just and equitable in the premises.

One not familiar with the many activities of the Insurance Department may be inclined to place responsibility upon the Commissioner for having failed to discover these irregularities previous to their payment. A public official is compelled to bear with tolerance such criticism and be satisfied in the belief that such critics may be honest but do not know of the numerous details that must be delegated to subordinates in an office. This is recognized by many due to the fact that subordinates are required by law to be bonded, such bonds being issued for the protection of the official in charge and the general public who might otherwise be compelled to bear a loss. Hence, in behalf of the general public, the right of recovery for any loss sustained rests upon the State Bonding Department.

It is also probable that certain ones may criticize the delay in prosecution, if such is or should be contemplated. In answer I may state that the Statute of Limitations has not run. There have been no rights lost. All parties that may be involved are within the jurisdiction of the courts of this State or your honorable body. Therefore, it seems fitting and proper that these matters involving public concern and the farmers' own Hail Insurance Department, should be referred to the Legislative Assembly for their investigation and disposition.

Respectfully submitted,

HAROLD HOPTON,  
Insurance Commissioner  
for the State of North Dakota.

Affidavit by Archie O. Johnson, manager of the Bismarck Tribune Co.:

. AFFIDAVIT

STATE OF NORTH DAKOTA, }  
County of Burleigh } ss.

Archie O. Johnson, being duly sworn, says that he is Manager of The Bismarck Tribune and that the Bismarck Tribune Company on December 31, 1936, received from the State Printer Requisition Number 8936A directing the said Bismarck Tribune Company to print 750 copies of a report entitled "Apparent Irregularities in the State Hail Insurance Department".

That on January 4th, 1937, said 750 copies were delivered to the Hail Insurance Department and receipted for by L. E. Gray.

That the bill of said printing was \$40.74 and to date remains unpaid.

That there is attached hereto a report so printed and delivered.

ARCHIE O. JOHNSON,

Subscribed and sworn to before me this 27th day of January, 1937.

(Seal)

JOHN EHRMANTRAUT,  
Notary Public, Burleigh County, N. D.  
My Commission Expires March 9, 1942.

Senate Resolution "I", "Expressing Appreciation of Addresses by Resettlement and Soil Conservation Officials",

Was read the second time.

Senator McGillic moved that Senate Resolution "I" be adopted, which motion prevailed, and the resolution was adopted.

Senator Whelan introduced:

SENATE RESOLUTION "J". "Directing the Board of University and School Lands to File With the Senate Full Data on All Land Dealings and Conditions of Funds."

Which was read from the desk.

Senator Cain moved that the resolution be adopted, which motion prevailed and the resolution was adopted.

Senator Vinje moved that further action on Senate Bill No. 68 be deferred until Monday, which motion prevailed.

#### FIRST READING OF SENATE BILLS

Senator Nelson of Grand Forks (by request) introduced:

Senate Bill No. 109. A Bill for an Act to Permit County Welfare Boards to Establish Dental Clinics and Provide Dental Services, and to Make Regulations as to the Persons Entitled Thereto.

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

Senators Strehlow, Guthrie and Lowe introduced:

Senate Bill No. 110. A Bill for an Act Validating, Ratifying, Approving, and Confirming Certain Bonds and Other Instruments or Obligations Heretofore Issued, and Validating, Ratifying, Approving and Confirming Certain Proceedings Heretofore Taken, by Public Bodies in This State.

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

Senators Strehlow, Guthrie and Lowe introduced:

Senate Bill No. 111. A Bill for an Act Authorizing Municipalities to Acquire, Construct, Re-construct, Improve, Better, and Extend Certain Revenue-producing Undertakings; to Maintain and Operate the Same and to Prescribe, Revise and

Collect Rates, Fees, Tolls, and Charges for the Services, Facilities, and Commodities Furnished Thereby, and, in Anticipation of the Collection of the Revenues Thereof, to Issue Bonds Payable Solely From Such Revenues; Regulating the Issuance of Such Bonds and Providing for Their Payment and for the Rights of the Holders Thereof, and Other Matters Necessary in the Premises; and Declaring an Emergency.

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

Senators Strehlow, Guthrie and Lowe introduced:

Senate Bill No. 112. A Bill for an Act Simplifying the Procedure for the Construction and Financing of Public Works Projects by Municipalities, Enabling Municipalities to Make and Perform Contracts With Federal Agencies Relating to the Construction and Financing of Such Projects and Conferring Additional Power Upon Municipalities; and Declaring an Emergency.

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

Senators Strehlow, Guthrie and Lowe introduced:

Senate Bill No. 113. A Bill for an Act to Authorize and Regulate the Issuance of Bonds for the Purpose of Refinancing or Refinancing and Improving, Revenue-producing Works, Undertakings, and Projects by Cities, Villages and Towns, and to Provide for the Payment of Such Bonds, the Remedies of Holders Thereof; and Declaring an Emergency.

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

Senators Strehlow, Guthrie and Lowe introduced:

Senate Bill No. 114. A Bill for an Act to Declare the Necessity of Creating Public Bodies Corporate and Politic to Be Known as Housing Authorities to Undertake Slum Clearance and Projects to Provide Dwelling Accommodations for Persons of Low Income; to Create Such Housing Authorities in Cities Having a Population of More Than 5000 Inhabitants and in Counties; to Define the Powers and Duties of Housing Authorities and to Provide for the Exercise of Such Powers, Including Acquiring Property, Borrowing Money, Issuing Bonds and Other Obligations, and Giving Security Therefor; to Provide that Housing Authorities May Obtain the Attorney General's Opinion Upon Their Bonds; to Provide that Housing Authorities, Their Property and Securities Shall be Exempt From Taxation and Assessment, But to Authorize Certain Payments in Lieu of Taxes; to Confer Remedies on Obligees of Housing Authorities; and to Declare an Emergency.

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

Senators Strehlow, Guthrie and Lowe introduced:

Senate Bill No. 115. A Bill for an Act to Authorize Cities,

Towns, Villages, Counties, and Other Public Bodies to Aid Housing Projects of Housing Authorities or of the United States of America by Furnishing Parks, Playgrounds, Streets, and Other Improvements and Facilities, by Exercising Certain Other Powers and by Making Agreements Relating to Such Aid; to Authorize Cities, Towns, Counties and Other Political Subdivisions to Contract With Respect to the Sums to Be Paid Them for Improvements, Services and Facilities to Be Provided for the Benefit of Housing Projects; to Require Certain Cities and Counties to Make an Appropriation for the First Year's Administrative Expense of Housing Authorities; to Authorize Certain Cities, Towns and Counties to Pay Moneys to Housing Authorities; and to Declare an Emergency.

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

Senators Strehlow, Guthrie and Lowe introduced:

Senate Bill No. 116. A Bill for an Act to Amend and Re-enact Section 8203, Supplement to the Compiled Laws of 1913, Relating to the Right to Exercise Eminent Domain, and Declaring an Emergency.

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

Senators Blaisdell and Stucke introduced:

Senate Bill No. 117. A Bill for an Act Giving and Granting Unto the Board of Railroad Commissioners of the State of North Dakota the Authority, Power, and Jurisdiction to Regulate and Supervise Employment, and Places of Employment, for the Protection of the Life, Health, Safety and Welfare of the Employees in the Employ of Public Service Corporations Over Which Said Board of Railroad Commissioners Have Jurisdiction; Declaring an Emergency.

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

Senator Nelson of Grand Forks (by request) introduced:

Senate Bill No. 118. A Bill for an Act Making an Appropriation for Salaries and Expenses of the State Geological Survey and for Co-operation of United States Geological Survey.

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

The Committee on Insurance introduced:

Senate Bill No. 119. A Bill for an Act Regulating All Benevolent Corporations, Associations or Societies Operating on Voluntary or Involuntary Assessment or Contribution Plan, Which Provide for Protection and/or Indemnity Benefits, Excepting Benevolent Corporations as Defined by Chapter 23, Compiled Laws of 1931, and for the Repeal of Chapter

160 of the Session Laws of 1931, and Acts or Parts of Acts in Conflict Herewith.

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

The Committee on Highways introduced:

Senate Bill No. 120. A Bill for an Act Providing for the Supervision and Regulation by the Board of Railroad Commissioners of the State of North Dakota, of the Transportation of Persons and Property Over North Dakota Public Highways by Motor Propelled Vehicles, Defining and Classifying Transportation by Motor Propelled Vehicles Affected Hereby and Providing for the Enforcement of the Provisions of this Act and for Penalties for the Violation Thereof, Repealing All of Section 2976V1 to 2976V16 Inclusive, Being Article 55b of Chapter 38 of the Political Code of the State of North Dakota, of the 1925 Supplement to the 1913 Compiled Laws of the State of North Dakota, and Chapter 90 of the Session Laws of 1927; Chapter 148 of the Session Laws of 1929; Chapter 188 of the Session Laws of 1931; Chapter 164 of the Session Laws of 1933; Chapter 179 of the Session Laws of 1935, and Chapter 182 of the Session Laws of 1935; and All Other Acts or Parts of Acts in Conflict With This Act, and Declaring an Emergency.

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

#### SECOND READING OF SENATE BILLS

Senate Bill No. 58. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, New Building, Equipment and Miscellaneous Expenses for the State Normal School, Dickinson, North Dakota.

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, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Olson
Bilden	Kamrath	Owings
Blaisdell	Kolpin	Skarvold
Brostuen	Kroeber	Strehlow
Cain	Lavik	Streibel
Coffey	Lemke	Stucke
Drew	Lian	Thatcher
Ettestad	Lowe	Thorson
Fine	Lynn	Trout
Fredrickson	Magoffin	Vinje
Gilbertson	McGillic	Watt
Greene	Morrison	Whelan
Gronvold	Mutchler	Williams



Messrs.	Messrs.	Messrs.
Guenther	Nelson, Barnes	Wog
Guthrie	Nelson, Grand Fks.	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Crandall	Hulteng	Topp
Fowler		

So the bill passed and the title was agreed to.

Senate Bill No. 87. A Bill for an Act Providing for the Application to Highway Purposes of All Special Taxes on Motor Vehicle Transportation and Declaring an Emergency.

Was read the second time.

Senator Guthrie moved that Senate Bill No. 87 be amended as follows:

In line 1, of Section 1, after the word "proceeds" insert the following: "after deduction of cost of administration and collection."

Which motion prevailed.

Senator Guthrie moved that the rules be suspended and Senate Bill No. 87 be considered properly re-engrossed, and placed upon Second Reading and Final Passage, as amended.

Which motion prevailed.

#### ROLL CALL

The question being on the final passage of Senate Bill No. 87, as amended, the roll was called and there were ayes, 41; nays, 2; absent and not voting, 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Kamrath	Owings
Blaisdell	Kroeber	Skarvold
Brostuen	Lavik	Strehlow
Cain	Lemke	Streibel
Coffey	Lian	Stucke
Drew	Lowe	Thatcher
Ettestad	Lynn	Trout
Fine	Magoffin	Vinje
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Wog
Gronvold	Nelson, Barnes	Young
Guenther	Nelson, Grand Fks.	

Those voting in the negative were:

Messrs.	Messrs.
Johnson	Thorson

Absent and not voting:

Messrs.	Messrs.	Messrs.
Crandall	Hulteng	Topp
Fowler	Kolpin	Williams

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

#### EXPLANATION OF VOTE

Senator Fine:

Not being fully satisfied in regard to the question I have raised, I reserve the right to ask for reconsideration. I vote "aye."

#### SECOND READING OF SENATE BILLS

Senate Bill No. 69. A Bill for an Act Providing for the Qualifications of City Aldermen.

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, 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Olson
Bilden	Kamrath	Owings
Blaisdell	Kroeber	Skarvold
Brostuen	Lavik	Strehlow
Cain	Lemke	Streibel
Coffey	Lian	Stucke
Drew	Lowe	Thatcher
Ettestad	Lynn	Thorson
Fine	Magoffin	Trout
Fredrickson	McGillic	Vinje
Gilbertson	Morrison	Watt
Greene	Mutchler	Whelan
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young
Guthrie		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Crandall	Hulteng	Topp
Fowler	Kolpin	Williams

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

Senator Aasen moved that further action on Senate Bill No. 91 be deferred one legislative day.

Which motion prevailed.

MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
January 30, 1937.

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

Senate Bill No. 46. A Bill for an Act to Amend and Re-enact Section 2092a1, Supplement to the Compiled Laws of 1913, Relating to Tax Commissioner.

Also,

Senate Bill No. 52. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State School of Forestry, Bottineau, North Dakota.

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

Very respectfully,

THOMAS McDONALD,  
Secretary.

FIRST READING OF HOUSE BILLS

House Bill No. 53. A Bill for an Act Making It Unlawful to Encourage, Cause or Contribute to the Delinquency of a Minor.

Was read the first time and referred to the Committee on Women's and Children's Welfare.

Also,

House Bill No. 31. A Bill for an Act to Amend and Re-enact Section 4950a13 of the Session Laws for the Year 1915, Relating to County Mutual Insurance Companies.

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

Also,

HOUSE RESOLUTION "M"

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

SECOND READING OF HOUSE BILLS

House Bill No. 13. A Bill for an Act to Amend and Re-enact Section 4547 of the Compiled Laws of North Dakota for the Year 1913.

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, 8; absent and not voting, 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Nelson, Grand Fks.
Bilden	Kamrath	Owings
Brostuen	Kroeber	Skarvold
Cain	Lavik	Strehlow
Coffey	Lian	Streibel
Drew	Lowe	Trout
Ettestad	Lynn	Vinje
Fine	Magoffin	Watt
Fredrickson	McGillic	Whelan
Gronvold	Morrison	Wog
Guenther	Mutchler	Young
Guthrie	Nelson, Barnes	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Lemke	Thatcher
Greene	Olson	Thorson
Kolpin	Stucke	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Crandall	Gilbertson	Topp
Fowler	Hulteng	Williams

So the bill passed and the title was agreed to.

Senator Aasen moved that the Senate do now adjourn.

Which motion prevailed.

The Senate stood adjourned.

#### COURTESIES OF THE FLOOR

The courtesies of the floor were extended to the following:

Frank J. Smith and Johnny Smith, Bismarck; Robert Wage, Mrs. C. C. Morrison and Jack Morrison, Steele; Mr. and Mrs. Oren Jensen, Steele; Billy Williams, Devils Lake; Miss Olafson, Manning; Andrew Johnston and Earl J. Olson, Watford City; Mrs. Matt Crowley, Erna Zeigler, Sheila Crowley, Ruth Bandel, Lois Itrich, Robert Anderson, Hilda Krenzel, Freda Krenzel, Margaret Koverich, Victor Ding, John Mann, Orein Feil, Mr. Brown, Miss Radle, Arthur Werth, Harry Kreig, Margaret Lieck, Erna Fehr, William Meidinger, Fredrick Conrath, Leonard Zeigler and Louis Weinstein, all of Hebron; George Heidt, Miss Inez Christianson, Miss Margaret Bonzer, Sarah Graham, Myrtle Graham, Ida Swenson, Dorothy Hotchkiss, Geraldine McLaughlin, Dorothy Wickam, Marion Feist, Mildred Mundy, Greta Robertson, Anna Mae Goodland and Evangeline Murphy, all of Mandan.

THOMAS McDONALD,  
Secretary.

TWENTY-EIGHTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
February 1, 1937.

The Senate convened at 2:00 p. m., pursuant to adjournment, the President presiding.

Prayer by the Chaplain, Rev. R. E. Smith, Bismarck.

Roll Call: All members present except Senators Coffey, Crandall, Fredrickson, Hulteng, Lowe and Topp.

Senator Aasen moved that the absent Senators be excused, which motion prevailed.

MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
February 1, 1937.

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

House Bill No. 55. A Bill for an Act to Amend and Re-enact Section 41, Chapter 162, Session Laws of North Dakota, 1927, as Amended and Re-enacted by Chapter 141, Session Laws of North Dakota, 1929, Authorizing the State Highway Commissioner or Such of His Employees as he May Designate and Local Authorities to Prohibit or Restrict the Use of Highways Under the Jurisdiction of Such Officers.

Also,

House Bill No. 20. A Bill for an Act to Amend Section 10254 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to Jumping Hotel Bills and Further Providing for the Repeal of All Acts or Parts of Acts in Conflict Herewith.

Also,

House Bill No. 80. A Bill for an Act to Amend and Re-enact Sections 201 and 214 and 215 of the Compiled Laws of North Dakota for the Year 1913 as Amended and Re-enacted

by Sections 1, 3 and 4 of Chapter 147 of the 1931 Session Laws of the State of North Dakota, and Repealing Section 213 of the Compiled Laws of North Dakota for the Year 1913 as Amended by Section 2 of Chapter 147 of the 1931 Session Laws of the State of North Dakota, and Repealing Section 217 of the 1913 Compiled Laws of the State of North Dakota, Relating to the Creation of a Fire Marshal Department.

Also,

House Bill No. 57. A Bill for an Act Declaring Volunteer Firemen to Be Employees of the Municipalities Which They Serve, and Entitled to the Protection of the Workmen's Compensation Laws of the State; Defining the Term "Volunteer Firemen"; Fixing the Basis of Payment of Benefits Out of the Workmen's Compensation Fund and the Method of Making Assessments of Premiums Against Municipalities.

Also,

House Bill No. 76. A Bill for an Act Making an Emergency Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the Motor Vehicle Registration Department.

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

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 1, 1937.

Mr. President: I have the honor to return herewith the following bill:

Senate Bill No. 21. A Bill for An Act to Provide that Judgments not Renewed Within Ten Years From Date of Docketing Shall Be Discharged and Satisfied of Record, Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Which the House has indefinitely postponed.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 1, 1937.

Mr. President: I have the honor to return herewith the following bill:

Senate Bill No. 6. A Bill for an Act Making an Appropria-

tion for the Maintenance of the State Capitol and for Improvements, Repairs, Insurance and Upkeep of Grounds.

Which the House has passed unchanged.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 1, 1937.

Mr. President: I have the honor to return herewith the following bill:

Senate Bill No. 8. A Bill for an Act Making an Appropriation for the Glanders and Dourine Indemnity Fund.

Which the House has amended.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 1, 1937.

Mr. President: I have the honor to advise you that the House has adopted:

JOINT RESOLUTION "N."

Very respectfully,

MINNIE D. CRAIG,  
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 Twenty-sixth day and recommend that the same be corrected as follows:

On page 295, 8th line from bottom of page, strike out the word "disillusioned" and insert in lieu thereof the word "de-luded."

On page 296, line 2, following the word introduced, insert the following: "It has always been my contention that a man is innocent until he is proven guilty."

On page 320, line 19, strike out the word "Dakota" and insert in lieu thereof the word "data".

And when so corrected recommend that the same be approved.

C. C. MORRISON,  
Chairman.

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

#### PETITIONS AND COMMUNICATIONS

The following petitions and communications were received, read from the desk, and referred to the appropriate committees:

A communication from the Hebron Labor Club endorsing House Bill No. 21, relative to "Naturopathy".

A communication from Farmers Union Local No. 360 of Appam, N. Dak., demanding abolition of compulsory military training in publicly supported educational institutions; asking adequate appropriations to continue high school correspondence work for next biennium, and inclusion of a course in Cooperation in the state course of study; and urging legislation to provide for homestead exemption and graduated land tax.

A similar communication from the Plain Farmers Union Local of Carpio, North Dakota.

A petition signed by 14 citizens and taxpayers of Stutsman County urging defeat of House Bill 15, also a similar communication signed by 43 citizens of Hettinger County.

A communication from the Solon Farmers Union Local of Burt, North Dakota, asking abolition of compulsory military training in state educational institutions.

A communication from Howard E. Simpson, State Geologist, submitting itemized report of expenditures.

A telegram from the Williston Chamber of Commerce urging passage of workable gas and oil laws.

A similar telegram from W. H. Westergaard of Williston.

A similar telegram from the Commercial Club of Tioga, North Dakota.

#### 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. 87. A Bill for an Act Providing for the Application to Highway Purposes of All Special Taxes on Motor Vehicle Transportation and Declaring an Emergency.

Also,

Senate Bill No. 48. A Bill for an Act to Amend and Re-enact Section 1164 of the Compiled Laws of the State of North Dakota for 1913, Pertaining to the Duties of the Clerks of Common School Districts, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Also,

Senate Bill No. 56. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and



Repairs, Equipment and Miscellaneous Expenses of the State Normal School, Mayville, North Dakota.

Also,

Senate Bill No. 1. A Bill for an Act Providing for the Organization of Farmers State Mutual Fire and Lightning Reinsurance Companies, and Repealing all Acts and Parts of Acts in Conflict Herewith.

Also,

Senate Bill No. 93. A Bill for an Act to Amend and Re-enact Section Four (4) of the Laws of North Dakota for the Year 1933, Relating to the Granting and Revocation of Licenses to Practice Dentistry, Setting Forth the Grounds for the Revocation Thereof and Defining Unprofessional Conduct.

And find the same correctly engrossed.

WILLIAM KROEBER,  
Chairman.

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

#### REPORT OF STANDING COMMITTEES

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 54, have had the same under consideration and recommend that the same be amended as follows:

In line 3 of Section 1 of the engrossed Bill, strike out the figures "\$140,687.00" and insert in lieu thereof the figures "\$137,420.00".

Under item "SALARIES AND WAGES," strike out "10%" and add the following words in parenthesis "(to be applied on salaries under \$2,000.00)". In same line strike out the figures "9,939.00" and insert in lieu thereof the figures "2,972.00".

Under item "OPERATING EXPENSE" in line numbered 3, item "Telephone, Telegraph, Postage," strike out the figures "2,000.00" and insert in lieu thereof the figures "1,500.00".

In line numbered 4, item "Freight and Express," strike out the figures "1,500.00" and insert in lieu thereof the figures "1,000.00".

In line numbered 5, item 5, "Insurance, Bonds, etc.," strike out the figures "2,000.00" and insert in lieu thereof the figures "1,750.00".

In line numbered 7, item "Travel," strike out the figures "600.00" and insert in lieu thereof the figures "700.00".

After line numbered 16, "Miscellaneous," add line numbered 17, and the following words and figures: "New Instructors for Trades Building," "5,000.00".

Correct the total after "TOTAL MAINTENANCE" by

striking out the figures "\$159,687.00" and insert in lieu thereof the figures "\$156,570.00".

Correct the figures after "NET MAINTENANCE" by striking out the figures "\$69,687.00" and insert in lieu thereof the figures "\$66,570.00".

Under item "EQUIPMENT" in line numbered 3, item "Class Room," strike out the figures "1,000.00" and insert in lieu thereof the figures "850.00".

Correct the total after "TOTAL" by striking out the figures "\$140,637.00" and insert in lieu thereof the figures "\$137,420.00".

After the last line of the bill, add Section 2, as follows: "Section 2. OTHER FUNDS. DUTIES OF BOARD OF ADMINISTRATION). The Board of Administration may also enter into any agreement relative to any funds which may be obtained from the Federal Government or any of its agencies, for the purpose of assisting in the construction of such new building, which funds may then be added to the appropriation hereby made therefor, such agreement to conform with the rules and regulations of the Federal Government or its agencies incident to obtaining such funds, and in case such funds shall be procured, then the total cost of said building may, in the discretion of the Board, exceed the amount hereby appropriated therefor; provided, however, that the total disbursements to be made out of state moneys in the construction and equipment of said new building shall in no case exceed the amount hereby appropriated therefor.

B. W. LEMKE,  
Chairman.

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

The Committee on State Affairs made the following report:

Mr. President: Your Committee on State Affairs to whom was referred:

**HOUSE CONCURRENT RESOLUTION "F".**

Have had the same under consideration and return the same without recommendation.

G. F. DREW,  
Chairman.

Senator Owings moved that House Concurrent Resolution "F" be placed on the calendar, which motion prevailed.

Senator Whelan moved that a committee of five be appointed to investigate the charges made against him, with full power to subpoena witnesses, and with such other powers as are necessary in conducting a full investigation, which motion prevailed.

Senator Cain moved that further action on Senate Bill No. 91 be deferred one legislative day, which motion prevailed.

Senator Fowler moved that Senate Bill No. 68 be placed upon second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILLS

Senate Bill No. 68. A Bill for an Act in Relation to Public Welfare and Social Security; to Provide for Public Aid to Dependent Children, and Prescribing the Duties of the State Public Welfare Board and the County Welfare Boards in the Administration Thereof, and Declaring an Emergency, and Repealing Chapter 165 of the Laws of 1925, Sections 2546a1 to 2546a10, Inclusive, of the 1925 Supplement to the 1913 Compiled Laws of North Dakota.

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, 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Owings
Bilden	Kolpin	Skarvold
Blaisdell	Kroeber	Strehlow
Brostuen	Lavik	Streibel
Cain	Lemke	Stucke
Drew	Lian	Thatcher
Ettestad	Lynn	Thorson
Fine	Magoffin	Trout
Fowler	McGillic	Vinje
Gilbertson	Morrison	Watt
Greene	Mutchler	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young
Johnson		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Coffey	Fredrickson	Lowe
Crandall	Hulteng	Topp

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

MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 1, 1937..

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

Senate Bill No. 53. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Normal and Industrial School at Ellendale, North Dakota.

Also,

Senate Bill No. 55. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and

Repairs, Equipment and Miscellaneous Items of the State Normal School at Valley City, North Dakota.

Also,

Senate Bill No. 58. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, New Building, Equipment and Miscellaneous Expenses for the State Normal School, Dickinson, North Dakota.

Also,

Senate Bill No. 69. A Bill for an Act Providing for the Qualifications of City Aldermen.

Also,

Senate Bill No. 83. A Bill for an Act Providing for Relief in Certain Cases During the Emergency Declared to Exist From Foreclosure of Mortgages or Other Liens on Real Estate, and Execution Sales of Real Estate, and Cancellation of Contracts for the Sale of Real Property, Eviction of Tenants from Real Estate, and for Postponing Certain Sales and Extending the Period of Redemption from Certain Sales, and Relating to the Jurisdiction and Procedure for Such Relief, and for the Right to Possession During the Extended Period, and Limiting the Right to Emergency Actions for Deficiency Judgment, and for Extending the Expiration of Certain Periods of Redemption to Thirty Days After the Passage of this Act; Repealing All Acts Inconsistent Herewith and Declaring an Emergency.

Also,

Senate Bill No. 87. A Bill for an Act Providing for the Application to Highway Purposes of All Special Taxes on Motor Vehicle Transportation and Declaring an Emergency.

Also,

Senate Bill No. 89. A Bill for an Act to Amend and Re-enact Section 3644 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Duties of City Boards of Equalization.

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

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 1, 1937.

Mr. Speaker: I have the honor to return herewith the following bill.

Senate Bill No. 48. A Bill for an Act to Amend and Re-enact Section 1164 of the Compiled Laws of the State of North Dakota for 1913, Pertaining to the Duties of the Clerks of Common School Districts, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Which has been correctly engrossed.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 1, 1937.

Mr. Speaker: I have the honor to return herewith the following bill:

House Bill No. 13. A Bill for an Act to Amend and Re-enact Section 4547 of the Compiled Laws of North Dakota for the Year 1913.

Which the Senate has passed unchanged.

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### FIRST READING OF SENATE BILLS

Senator Olson (by request) introduced:

Senate Bill No. 121. A Bill for an Act Making It Unlawful to Possess, or Have in Possession, an Open Unsealed or Broken Container, Bottle or Vessel Containing Intoxicating Liquors; to Use, Drink or Give Away or Permit the Same to Be Done, in Any Motor Vehicle While Upon the Highways, Streets, Alleys, or Public Places in the State of North Dakota or Consent Thereto; Prescribing Penalty and Declaring an Emergency.

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

Senators Thatcher and Ettetstad introduced:

Senate Bill No. 122. A Bill for an Act to Make More Effective the Purposes of the Primary Election Laws; to Permit All Considerable Groups Within a Political Party to Have Their Favorite Candidates Presented Fairly to the Party Voters; Fixing Dates for Holding Party Precinct Committeemen Meetings and Party Conventions and Regulating Procedure Therein; Providing for the Election of Party Delegates to a State Convention and for Other Purposes.

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

The Committee on Taxes and Tax Laws introduced:

Senate Bill No. 123. A Bill for an Act Amending and Re-enacting Chapter 106, Session Laws of North Dakota for 1927 as Amended by Chapter 105 Session Laws of 1931, Relating to the Sale of Cigarette, Cigarette Papers and Wrappers and Papers Used and Prepared for Making of Cigarettes; Providing for Issuing of Licenses for the Purpose of Making Sales Thereof and Furnishing of Bond; Providing for the Levy, Assessment, Collection and Payment of Tax Thereon; Providing for the Regulation of the Sales Thereof and Penalty for Violation of This Act; Defining the

Duties of the State Tax Commissioner, the State Auditor and State Treasurer Imposed Under the Provisions of This Act; Providing Any Person Violating This Act Shall Be Enjoined and That Any Building or Premises Made Use of for Purposes in Violation of This Act Shall Be Deemed a Nuisance and Abated by Injunction; and to Include Snuff Within the Provisions and Requirements Thereof.

Was read the first time and referred to the Committee on Taxes and Tax Laws.

Senators Cain, Lemke, Young and Topp introduced:

Senate Bill No. 124. A Bill for an Act Providing for the Employment of a Fire Department Instructor; Prescribing the Qualifications of Such Instructor and the Duties Thereof; Providing for Salary and Expenses of, and Fees to Be Charged by Such Instructor; Requiring Reports and Providing an Appropriation to Carry Out the Provisions of This Act.

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

Senators Vinje and Blaisdell introduced:

Senate Bill No. 125. A Bill for an Act to Amend and Re-enact Section 951, Compiled Laws of North Dakota of the Year 1913, as Amended by Chapter 136 of the Session Laws of 1927; Providing for Inspectors and Judges of Election, Their Qualifications and Duties.

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

Senators Johnson and Lian introduced:

Senate Bill No. 126. A Bill for an Act to Amend and Re-enact Section 852 of the Supplement to the Compiled Laws of 1913, Relating to the Holding of Primary Elections and Repealing All Acts or Parts of Acts in Conflict Herewith.

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

Senators Fredrickson and Guthrie introduced:

Senate Bill No. 127. A Bill for an Act to Amend and Re-enact Section 6 of Chapter 189 of the Session Laws of North Dakota for the Year 1931, as Amended and Re-enacted by Chapter 172 of the Session Laws of North Dakota for the Year 1935, Relating to Refunds of Motor Vehicle Fuel Taxes, and Declaring an Emergency.

Was read the first time and referred to the Committee on Taxes and Tax Laws.

Senator Young introduced:

Senate Bill No. 128. A Bill for an Act Making an Appropriation for the Purpose of Paying the Salary of an Executive Director, Stenographic Employees and Miscellaneous General Expenses of the State Planning Board.

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

The Committee on Judiciary introduced:

Senate Bill No. 129. A Bill for an Act Making Provision for the Use of Business Records as Evidence and Making Uniform the Law with Reference Thereto.

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

The Committee on Judiciary introduced:

Senate Bill No. 130: A Bill for an Act for the Judicial Notice of the Laws of Other Jurisdictions and for Proof Thereof, and to Make Uniform the Law With Reference Thereto.

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

The Committee on Judiciary introduced:

Senate Bill No. 131: A Bill for an Act Providing for the Use of Official Reports as Evidence and Making Uniform the Law With Reference Thereto.

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

Senators Fine, Lowe and Owings introduced:

SENATE CONCURRENT RESOLUTION "J," "Repeal of Long and Short Haul Clause of Section 4 of the Interstate Commerce Act."

Senator Owings moved that the rules be suspended and Senate Concurrent Resolution "J" be adopted, which motion prevailed.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota.  
February 1, 1937.

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

SENATE CONCURRENT RESOLUTION "J."

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

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senator Streibel introduced:

SENATE RESOLUTION "K", Relative to the Frazier-Lemke Refinance Plan.

Which was read the first time.

Senator Streibel moved that the rules be suspended and that Senate Resolution "K" be adopted, which motion prevailed.

Senators Wog, Brostuen, Thatcher and Lavik introduced:

SENATE CONCURRENT RESOLUTION "K".

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

Senate Bill No. 93. A Bill for an Act to Amend and Re-enact Section Four (4) of the Laws of North Dakota for the Year 1933, Relating to the Granting and Revocation of Licenses to Practice Dentistry, Setting Forth the Grounds for the Revocation Thereof and Defining Unprofessional Conduct.

Was read the second time.

Senator Stucke moved that Senate Bill No. 93 be amended as follows:

In line 8 of the amendment to Senate Bill No. 93, following the word "inches," strike out the word "and may contain the corporate, trade, or assumed name heretofore used by such person or persons," and insert in lieu thereof the following words: "and such person or persons may use his, her or their personal names as successors to the corporate, trade, or assumed name heretofore used."

Which motion prevailed.

Senator Johnson moved that Senate Bill 93 be further amended as follows:

In line 1 of the title, following the word "of," insert the following: "Chapter 104 of".

Which motion prevailed.

Senator McGillic moved the previous question.

Senator Stucke moved that the rules be suspended and Senate Bill No. 93 be considered properly re-engrossed, and placed upon Second Reading and Final Passage.

Which motion prevailed.

#### ROLL CALL

The question being on the final passage of Senate Bill No. 93, as amended, the roll was called and there were ayes, 34; nays, 9; absent and not voting, 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Nelson, Barnes
Bilden	Kolpin	Nelson, Grand Fks.
Blaisdell	Kroeber	Strehlow
Brostuen	Lavik	Stucke
Cain	Lemke	Thorson
Drew	Lian	Vinje
Ettestad	Lynn	Watt
Fowler	Magoffin	Whelan
Gilbertson	McGillic	Williams
Gronvold	Morrison	Wog
Guenther	Mutchler	Young
Guthrie		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Fine	Olson	Streibel
Greene	Owings	Thatcher
Johnson	Skarvold	Trout



Absent and not voting:

Messrs.	Messrs.	Messrs.
Coffey	Fredrickson	Lowe
Crandall	Hulteng	Topp

So the bill passed and the title was agreed to.

Senator Lynn moved that the vote by which Senate Bill No. 93 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Explanation of vote:

Senator Fine: I vote "no" on this bill for the reason that it seems to me that there is more than one thing involved, there is more involved than the ethics of the profession of dentistry. There is involved an invasion of the freedom of the people to express themselves and of the freedom of the press. Therefore, I vote "no."

SECOND READING OF SENATE BILLS

Senate Bill No. 56. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Normal School, Mayville, North Dakota.

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, 1; absent and not voting, 9.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Nelson, Grand Fks.
Bilden	Kamrath	Owings
Blaisdell	Kolpin	Skarvold
Brostuen	Kroeber	Strehlow
Cain	Lavik	Streibel
Drew	Lemke	Thatcher
Ettestad	Lian	Trout
Fowler	Lynn	Vinje
Gilbertson	Magoffin	Watt
Greene	McGillic	Whelan
Gronvold	Morrison	Williams
Guenther	Mutchler	Wog
Guthrie	Nelson, Barnes	Young

Those voting in the negative were:

Messrs.  
Olson

Absent and not voting:

Messrs.	Messrs.	Messrs.
Coffey	Fredrickson	Stucke
Crandall	Hulteng	Thorson
Fine	Lowe	Topp

So the bill passed and the title was agreed to.

Senator Olson: I am going to vote "no" on this bill. The Minot Normal was cut \$26,000 and the Dickinson Normal was cut \$23,000, and we have only two colleges in the entire western half of the state.

#### FIRST READING OF HOUSE BILLS

House Bill No. 55. A Bill for an Act to Amend and Re-enact Section 41, Chapter 162, Session Laws of North Dakota, 1927, as Amended and Re-enacted by Chapter 141, Session Laws of North Dakota, 1929, Authorizing the State Highway Commissioner or Such of His Employees as he May Designate and Local Authorities to Prohibit or Restrict the Use of Highways Under the Jurisdiction of Such Officers.

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

House Bill No. 20. A Bill for an Act to Amend Section 10254 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to Jumping Hotel Bills and Further Providing for the Repeal of All Acts or Parts of Acts in Conflict Herewith.

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

House Bill No. 80. A Bill for an Act to Amend and Re-enact Sections 201 and 214 and 215 of the Compiled Laws of North Dakota for the Year 1913 as Amended and Re-enacted by Sections 1, 3 and 4 of Chapter 147 of the 1931 Session Laws of the State of North Dakota, and Repealing Section 213 of the Compiled Laws of North Dakota for the Year 1913 as Amended by Section 2 of Chapter 147 of the 1931 Session Laws of the State of North Dakota, and Repealing Section 217 of the 1913 Compiled Laws of the State of North Dakota, Relating to the Creation of a Fire Marshal Department.

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

House Bill No. 57. A Bill for an Act Declaring Volunteer Firemen to Be Employees of the Municipalities Which They Serve, and Entitled to the Protection of the Workmen's Compensation Laws of the State; Defining the Term "Volunteer Firemen"; Fixing the Basis of Payment of Benefits Out of the Workmen's Compensation Fund and the Method of Making Assessments of Premiums Against Municipalities.

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

House Bill No. 76. A Bill for an Act Making an Emergency Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the Motor Vehicle Registration Department.

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

#### 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. 34. A Bill for an Act Making an Appropriation to Pay the Expenses of the State Board of Veterinary Medical Examiners as Authorized Under Sections 2711 to 2720, Inclusive, of the Compiled Laws of North Dakota, for the Year 1913.

Also,

Senate Bill No. 18. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the Department of Coal Mine Inspection.

And find the same correctly enrolled.

WILLIAM KROEBER,  
Chairman.

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

The Secretary announced that the President was about to sign Senate Bill No. 34 and Senate Bill No. 18, and the President signed the same in the presence of the Senate.

The Secretary announced that he had received from the various state departments the information requested by the Senate, relative to sale and transfer of bonds.

Senator Whelan moved that the information received by the Secretary in response to the request of the Senate, be referred to the Committee on Taxes and Tax Laws.

Which motion prevailed.

The President appointed the following committee to investigate the charges made against Senator Whelan: Senators Thatcher, Lowe, Nelson of Grand Forks, Stucke and Cain.

Senator Cain moved that Senate Bill No. 8 be returned to the House for correction and explanation.

Which motion prevailed.

Senator Young moved that the Senate concur in the House amendments to Senate Bill No. 1.

Senator Johnson moved as a substitute motion that further consideration of Senate Bill No. 1 be deferred one legislative day.

Which motion lost.

The question then being on the motion of Senator Young that the Senate concur in the House amendments to Senate Bill No. 1. The motion prevailed and the amendments were adopted.

Senator Young moved that the rules be suspended and Senate Bill No. 1 be considered properly re-engrossed, and placed upon Second Reading and Final Passage as amended by the House.

Which motion prevailed.

## SECOND READING OF SENATE BILLS

Senate Bill No. 1. A Bill for an Act Providing for the Organization of Farmers State Mutual Fire and Lightning Reinsurance Companies, 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 Senate Bill No. 1, as amended by the House, the roll was called and there were ayes, 40; nays, 0; absent and not voting, 9.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kolpin	Owings
Bilden	Kroeber	Skarvold
Blaisdell	Lavik	Strehlow
Brostuen	Lemke	Streibel
Cain	Lian	Stucke
Drew	Lynn	Thatcher
Ettestad	Magoffin	Thorson
Fowler	McGillie	Vinje
Gilbertson	Morrison	Watt
Greene	Mutchler	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Johnson	Olson	Young
Kamrath		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Coffey	Fredrickson	Lowe
Crandall	Guthrie	Topp
Fine	Hulteng	Trout

So the bill passed and the title was agreed to.

Senator Brostuen moved that the Senate do now adjourn, which motion prevailed. The Senate stood adjourned.

## COURTESIES OF THE FLOOR

The courtesies of the floor were extended to:

Thomas Snortland, Howard Snortland, Sharon; Helmer Brekke, Aneta; Fred Stadler, Bismarck; Lee Coman, Mandan; Peter Vetch, Jr., Ray Voeller, Harland Seterlie and Mike Yundt, Jr., Rugby; Miss Mable Tollefson, Watford City.

THOMAS McDONALD,  
Secretary.

TWENTY-NINTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
February 2, 1937.

The Senate convened at 2:00 p. m., pursuant to adjournment, the President presiding.

Prayer by the Chaplain, Rev. Hildebrand Eickhoff.

Roll call: All members present except Senators Blaisdell, Coffey, Hulteng, Lowe and Topp.

Senator Lian moved that the absent Senators be excused, which motion prevailed.

MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 2, 1937.

Mr. Speaker: I have the honor to return:

Senate Bill No. 8. A Bill for an Act Making an Appropriation for the Glanders and Dourine Indemnity Fund.

And request that the House correct and explain its amendments to such bill.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 2, 1937.

Mr. Speaker: I have the honor to inform you that the Senate has concurred in the House amendment to Senate Bill No. 1.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 2, 1937.

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

Senate Bill No. 18. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the Department of Coal Mine Inspection.

Also,

Senate Bill No. 34. A Bill for an Act Making an Appropriation to Pay the Expenses of the State Board of Veterinary Medical Examiners as Authorized Under Sections 2711 to 2720, Inclusive, of the Compiled Laws of North Dakota, for the Year 1913.

Which the President has signed and your signature is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

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 28th day and recommend that the same be corrected as follows:

On page 331, line 24, strike out the letter "I" and insert the letter "N".

On page 339, following line 12, also following line 16, insert the following: "Was read the first time and referred to the Committee on Judiciary."

On page 343, line 37, correct spelling of the word "amendments".

On page 340, lines 9 and 10, strike out the following: "(page 200 of Senate Journal for Jan. 30)."

And when so corrected recommend that the same be approved.

C. C. MORRISON,  
Chairman.

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

#### MESSAGES FROM THE HOUSE

House Chamber,  
Bismarck, North Dakota,  
February 2, 1937.

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

House Bill No. 29. A Bill for an Act Amending and Re-enacting Section 1245 of Compiled Laws of North Dakota for the Year 1913 Relating to the Election of Officers of Special School Districts and Prescribing Qualifications Therefor.

Also,

House Bill No. 78. A Bill for an Act Providing for the Registration of Public Contractors, and Defining the Term Public Contractor; Providing the Requirements and Method of Obtaining a License to Engage in the Business of Public

Contracting in the State of North Dakota; Classifying and Fixing the Fee for Such License; Providing the Method of Suspension, Cancellation and Reinstatement Thereof; Providing Added Requirements in Bond of Foreign Contractor; Prescribing Penalties for the Violation of This Act; and Repealing All Acts or Parts of Acts in Conflict With the Provisions Hereof, and Declaring an Emergency.

Also,

House Bill No. 68. A Bill for an Act Creating a State Painters and Decorators Commission; Defining the Terms "Master and Contracting Painter," "Journeyman Painter," "Apprentice Painter"; Providing for the Appointment of the Members of Such Commission and Fixing Their Terms of Office and Compensation; Authorizing Such Commission to Promulgate Rules and Regulations Covering Examination and Licensing of Master, Journeymen and Apprentice Painters; Providing for Holding Such Examinations; Prohibiting Unlicensed Persons, Firms and Corporations from Engaging in the Business of Painting; Fixing Fees to Be Paid by Applicants for Examinations and Providing for the Issuance of Permits and for the Disposition of Such Funds; Providing for the Revocation of Permits; Providing Penalties for the Violation of This Act; Repealing All Acts or Parts of Acts in Conflict Therewith, and Providing for a Saving Clause as to Constitutionality.

Also:

House Bill No. 52. A Bill for an Act to Validate and Legalize Proceedings Taken Under Chapter 116, Laws 1919, to Establish and Construct Flood Irrigation Projects, Issue Bonds, Warrants and Other Evidences of Indebtedness to Finance the Cost of Such Projects, Levy Assessments and Taxes for the Payment of Such Indebtedness, and Declaring Such Obligations and Obligations Issued or to Be Issued to Fund Such Indebtedness Valid and Legal, and Declaring an Emergency.

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

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 2, 1937.

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

House Concurrent Resolution "P."

Which the House has adopted.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 2, 1937.

Mr. President: I have the honor to return herewith the following bill:

Senate Bill No. 50. A Bill for an Act to Repeal Section 10185b of the Supplement to the 1913 Compiled Laws of North Dakota Relating to Prohibiting Smoking in Specified Places, and the Penalties.

Which the House has passed unchanged.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### PETITIONS AND COMMUNICATIONS

The following petitions and communications were received, read from the desk, and referred to the appropriate committees:

A communication from the members of Amor Local No. 1112, asking abolition of compulsory military training, adequate appropriations to continue high school correspondence work, inclusion of course in cooperation in state course of study, adequate appropriation for equalization fund and laws providing for homestead exemption and graduated land tax.

A telegram from the St. Croix Farmers Union Local, asking passage of bill to abolish compulsory military training.

A similar telegram from the Resolutions Committee of the Hettinger County Farmers Union.

A communication from the Wishek Labor Club, urging passage of House Bill No. 21.

A telegram from the Burt Volunteer Fire Department, urging defeat of House Bill No. 80.

A similar telegram from the officials of the Mott Fire Department.

#### 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. 54. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, New Building and Equipment for the State School of Science at Wahpeton, North Dakota.

Also,

Senate Bill No. 93. A Bill for an Act to Amend and Re-enact Section Four (4) of the Laws of North Dakota for the Year 1933, Relating to the Granting and Revocation of Licenses to Practice Dentistry, Setting Forth the Grounds for the Revocation Thereof and Defining Unprofessional Conduct.

And find the same correctly Engrossed.

WILLIAM KROEBER,  
Chairman.



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

#### REPORTS OF STANDING COMMITTEES

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 32:

Have had the same under consideration and recommend that the same be amended as follows:

In line 2 of the title of the printed bill, strike out the period, insert a comma and add the words "providing the methods of expenditure and audit thereof; Supervision and inspection therefor."

In line 6 of section 1 after word "Bureau," insert a comma and add the words "or to such other agency as may be established or designated by law to administer such money."

In the last line of the bill after the word "Act," strike out the period, insert a comma, and add the words "or to such other agency as may be designated by law."

And when so amended recommend that the same do pass.

B. W. LEMKE,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 30,

Have had the same under consideration and recommend that the same be amended as follows:

In the printed bill, at the end of the second line of the title, strike out the period, insert a comma and add the words "providing the methods of expenditure and audit thereof; Supervision and inspection therefor."

In line 6 of section 1 after the word "Bureau," insert a comma and add the words "or to such other agency as may be established or designated by law to administer such money."

In the last line of the bill after the word "Act," strike out the period, insert a comma and add the words "or to such other agency as may be designated by law."

And when so amended recommend that the same do pass.

B. W. LEMKE,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 104, have had the same under consideration and recommend that the same be amended as follows:

In line 2 of the title of the printed bill, strike out the period, insert a comma and add the words "providing the methods of expenditure and audit thereof; supervision and inspection therefor."

In line 7 of Section 1, after the word "Bureau," insert a comma and add the words "or to such other agency as may be established or designated by law to administer such money,"

In the last line of the bill after the word "Act", strike out the period, insert a comma and add the words "or to such other agency as may be designated by law".

And when so amended recommend that the same do pass.

B. W. LEMKE,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 31, have had the same under consideration and recommend that the same be amended as follows:

In the printed bill, in line 6 of Section 1, after the word "Bureau", insert a comma and add the words "or to such other agency as may be established or designated by law to administer such money",

In the last line of the bill, after the word "Act," strike out the period, insert a comma and add the words "or to such other agency as may be designated by law".

And when so amended recommend that the same do pass.

B. W. LEMKE,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 77, have had the same under consideration and recommend that the same be amended as follows:

In line 4 of the printed bill, strike out the figures "\$163,620.00" and insert in lieu thereof the figures "\$152,620.00".

In line 13 of the printed bill, strike out the figures "84,680.00" and insert in lieu thereof the figures "79,680.00".

In line 15 strike out the figures "5,000.00" and insert in lieu thereof the figures "4,000.00".

In line 16 strike out the figures "6,000.00" and insert in lieu thereof the figures "5,000.00".

In line 19, strike out the figures "8,500.00" and insert in lieu thereof the figures "7,500.00".

In line 21 strike out the words "Safety Work" and the figures "8,000.00" and insert in lieu thereof the word "Actuary" and the figures "5,000.00".

Correct the total in line 24 by striking out the figures "\$163,620.00", and insert in lieu thereof the figures "\$152,620.00".

And when so amended recommend that the same do pass.

B. W. LEMKE,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 81, have had the same under consideration and recommend that the same be amended as follows:

In line 2 of the title of the printed bill, strike out the period, insert a comma and add the words "providing the methods of expenditure and audit thereof; supervision and inspection therefor."

In line 6 of Section 1, after the word "Bureau," insert a comma and add the words "or to such other agency as may be established or designated by law to administer such money,"

In the last line of the bill, after the word "Act," strike out the period, insert a comma and add the words "or to such other agency as may be designated by law".

And when so amended recommend the same do pass.

B. W. LEMKE,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 29, have had the same under consideration and recommend that the same be amended as follows:

In the printed bill, in line 6 of section 1, after the word "Bureau", insert a comma and add the words "or to such other agency as may be established or designated by law to administer such money,"

In the last line of the bill, after the word "Act", strike out the period, insert a comma and add the words "or to such other agency as may be designated by law".

And when so amended recommend that the same do pass.

B. W. LEMKE,  
Chairman.

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

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 3,

Have had the same under consideration and recommend that the same be amended as follows:

Line (1) of the title of the printed bill, strike out the word "Manufacture."

Line (4) of the title after the words "Ball Machine," insert the words "Punch Board."

Line (4) of the title after the word "Device," insert the words "In Any Public Place."

In line (1) of Section (1), strike out the word "manufacture."

In line (3) of Section (1), strike out the word "transport."

After the word "any" in line (6) of Section (1), insert the word "public."

After the second "or" in line (6) of Section (1), insert the word "public."

After the words "ball machine" line (8) of Section (1), insert the words "punch board."

In line (12) of Sub-Section "B," Section (1), after the words "ball machine," insert the words "punch board."

Line (2) of Section (2), after the words "ball machine," insert the words "punch board."

After the word "operated," lines (6) and (7) of Section (2), insert the following:

"or by the payment of any sum of money or other thing of value a number is drawn or punched."

And when so amended, recommend that the same do pass.

J. P. CAIN,  
Chairman.

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

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 75.

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

J. P. CAIN,  
Chairman.

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

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 106.

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

J. P. CAIN,  
Chairman.

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

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarek, North Dakota,  
February 2, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bill:

Senate Bill No. 93. A Bill for an Act to Amend and Re-enact Section Four (4) of the Laws of North Dakota for the Year 1933, Relating to the Granting and Revocation of Licenses to Practice Dentistry, Setting Forth the Grounds for the Revocation Thereof and Defining Unprofessional Conduct.

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

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### FIRST READING OF SENATE BILLS

The Committee on Women's and Children's Welfare introduced:

Senate Bill No. 132. A Bill for an Act to Repeal Chapter 254, Laws 1933, Relating to Old Age Pensions and to Cancel All Claims or Rights of Claim on Behalf of the State or Any County by Virtue of Pensions Paid Under Said Act and All Transfers of Property Made by Any Applicant for Pension Under Said Act.

Was read the first time and referred to the Committee on Women's and Children's Welfare.

Senators Morrison, Thatcher and Lian introduced:

Senate Bill No. 133. A Bill for an Act to Amend and Re-enact That Portion of Section 2166 of the Supplement to the Compiled Laws of 1913 as was Amended and Re-enacted by Sub-Section (b) of Section 1 of Chapter 279 of the 1931 Session Laws Relating to the Collection of Personal Property Taxes; providing for Publication of Personal Property Tax List in Newspapers Nearest the Taxing District. Repeal.

Was read the first time and referred to the Committee on Taxes and Tax Laws.

Senator Williams introduced:

Senate Bill No. 134. A Bill for an Act Creating a State

Board of Examiners of Automobile Mechanics, Providing for the Appointment of Said Board; Fixing Compensation; Providing for Meetings and Reports to the Governor; Giving Authority to Issue Licenses to Those Complying With its Provisions; Providing for Collection of Fees; Imposing a Penalty for Failure to Comply With the Provisions of This Act; Empowering the Board to Make Rules and Regulations and Requiring all Automobile Mechanics to Procure a License, and Repeal all Acts or Parts of Acts in Conflict Herewith.

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

Senator Lynn introduced:

Senate Bill No. 135. A Bill for an Act to Amend and Re-enact Section 4398 of the Supplement to the Compiled Laws of 1913, Relating to the Term of Residence of Plaintiff in an Action for Divorce and Declaring an Emergency.

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

Senators Watt and Strehlow introduced:

Senate Bill No. 136. A Bill for an Act Relating to the Crime of Murder in the First Degree and Prescribing the Penalties Therefor.

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

The Committee on Women's and Children's Welfare introduced:

Senate Bill No. 137. A Bill for an Act Vesting in and Imposing Upon the State Welfare Board Additional Powers and Duties, Repealing Sections 283b6 and 283b7, Supplement to the Compiled Laws, 1913, and Declaring an Emergency.

Was read the first time and referred to the Committee on Women's and Children's Welfare.

Senator Nelson of Grand Forks introduced:

Senate Bill No. 138. A Bill for an Act to Amend and Re-enact Section 3839 of the Compiled Laws of North Dakota for the Year 1913.

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

Senator Cain introduced:

Senate Bill No. 139. A Bill for an Act to Amend and Re-enact Section 396215, Supplement to the Compiled Laws of 1913 of North Dakota, Same Being Laws 1919, Chapter 162, Section 15, With Regard to Filing Claims With Workmen's Compensation Bureau.

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

Senators Cain and Ettetstad introduced:

Senate Bill No. 140. A Bill for an Act to Amend and Re-enact Section 1649 of the Compiled Laws of the State of North Dakota for the Year 1913, Providing for Experimenta-

tion and Testing of State Minerals or Allied Industrial Resources of the School of Mines at the University of North Dakota, or at Any Mining Experimental Station, or Substation Wheresoever Situated in the State of North Dakota, and Providing for the Patenting of Processes and Inventions Discovered and Developed by Such Experimentation, and Declaring an Emergency.

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

Senators Greene, Bilden, Thorson, Skarvold and Thatcher introduced:

Senate Resolution "L," providing for a Senate investigation of certain questionable and irregular claims paid by the State Hail Insurance Department.

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

### SECOND READING OF SENATE BILLS

Senate Bill No. 54. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, New Building and Equipment for the State School of Science at Wahpeton, North Dakota.

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 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Owings
Bilden	Kolpin	Skarvold
Brostuen	Kroeber	Strehlow
Cain	Lavik	Streibel
Crandall	Lemke	Stucke
Drew	Lian	Thatcher
Ettestad	Lynn	Thorson
Fine	Magoffin	Trout
Fredrickson	McGillic	Vinje
Gilbertson	Morrison	Watt
Greene	Mutchler	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young
Johnson		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Blaisdell	Fowler	Lowe
Coffey	Hulteng	Topp

So the bill passed and the title was agreed to.

Senator Lynn moved that further action on Senate Bill No. 91 be deferred one legislative day, which motion prevailed.

## FIRST READING OF HOUSE BILLS

House Bill No. 29. A Bill for an Act Amending and Re-enacting Section 1245 of Compiled Laws of North Dakota for the Year 1913 Relating to the Election of Officers of Special School Districts and Prescribing Qualifications Therefor.

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

House Bill No. 78. A Bill for an Act Providing for the Registration of Public Contractors, and Defining the Term Public Contractor; Providing the Requirements and Method of Obtaining a License to Engage in the Business of Public Contracting in the State of North Dakota; Classifying and Fixing the Fee for Such License; Providing the Method of Suspension, Cancellation and Reinstatement Thereof; Providing Added Requirements in Bond of Foreign Contractor; Prescribing Penalties for the Violation of This Act; and Repealing All Acts or Parts of Acts in Conflict With the Provisions Hereof, and Declaring an Emergency.

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

House Bill No. 68. A Bill for an Act Creating a State Painters and Decorators Commission; Defining the Terms "Master and Contracting Painter," "Journeyman Painter," "Apprentice Painter"; Providing for the Appointment of the Members of Such Commission and Fixing Their Terms of Office and Compensation; Authorizing Such Commission to Promulgate Rules and Regulations Covering Examination and Licensing of Master, Journeymen and Apprentice Painters; Providing for Holding Such Examinations; Prohibiting Unlicensed Persons, Firms and Corporations from Engaging in the Business of Painting; Fixing Fees to Be Paid by Applicants for Examinations and Providing for the Issuance of Permits and for the Disposition of Such Funds; Providing for the Revocation of Permits; Providing Penalties for the Violation of This Act; Repealing All Acts or Parts of Acts in Conflict Therewith, and Providing for a Saving Clause as to Constitutionality.

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

House Bill No. 52. A Bill for an Act to Validate and Legalize Proceedings Taken Under Chapter 116, Laws 1919, to Establish and Construct Flood Irrigation Projects, Issue Bonds, Warrants and Other Evidences of Indebtedness to Finance the Cost of Such Projects, Levy Assessments and Taxes for the Payment of Such Indebtedness, and Declaring Such Obligations and Obligations Issued or to Be Issued to Fund Such Indebtedness Valid and Legal, and Declaring an Emergency.

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

House Concurrent Resolution "P" relative to Enrolling and Engrossing contract was read the first time.

Senator Cain moved that House Concurrent Resolution "P" be amended as follows:



In the last line, following the name "Coghlan," add the following: "or direct the said Joseph Coghlan to secure competent employees."

Which motion prevailed.

Senator Cain moved that the rules be suspended and that House Concurrent Resolution "P" be adopted, which motion prevailed.

Senator Cain moved that the vote by which House Concurrent Resolution "P" was adopted be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 2, 1937.

Mr. Speaker: I have the honor to return:

#### HOUSE CONCURRENT RESOLUTION "P"

Which the Senate has amended as follows:

In line 20, after the words "Joseph Coghlan," insert the following: "or direct the said Joseph Coghlan to procure competent employees."

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senator Greene requested that the Senate return to the Ninth Order of Business.

Which request was granted.

Senator Greene moved that Senate Resolution "L" be printed in the Journal.

Which motion prevailed.

#### SENATE RESOLUTION "L"

Introduced by Senators Greene, Bilden, Thorson, Skarvold and Thatcher

"Providing for a Senate investigation of certain questionable and irregular claims paid by the State Hail Insurance Department."

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

WHEREAS, there is a general state-wide dissatisfaction over certain irregularities in the past administration of the State Hail Insurance Department, and

WHEREAS, a Senate investigation of such claims has been requested by the Insurance Commissioner and the present Assistant Manager of the State Hail Insurance Department, and

WHEREAS, it appears by the record of the State Hail Insurance Department that certain highly questionable and irregular claims were paid by the Hail Insurance Department between January 4, 1935, and January 4, 1937, particularly:

## JOURNAL OF THE SENATE

1931 Claim No. 3065 .....	\$246.75
1931 Claim No. 3064 .....	241.50
1931 Claim No. 3048 .....	609.00
1931 Claim No. 3056 and 3057..	299.25
1931 Claim No. 2892 .....	136.50
1931 Claim No. 2891 .....	78.75
1931 Claim No. 2890 .....	257.25
1931 Claim No. 2887 .....	246.75
1931 Claim No. 2886 .....	210.50
1931 Claim No. 2885 .....	131.25
(All in Burke County)	
1925 Claim, John Stern.....	\$ 386.75
1926 Claim, John McLain .....	776.16
1937 Claim, John Zander .....	574.00
No. 33360—Griggs County	
No. 31003—Griggs County.	
No. 45194—Griggs County	
No. 40551—Griggs County	
No. 31948—Steele County	
No. 31951—Steele County	
No. 33174—Steele County	
No. 7189—Steele County	
No. 7190—Steele County	
No. 7186—Steele County	
No. 25544—Steele County	
No. 19816—Steele County	
No. 2018—Steele County	
No. 19818—Steele County	
No. 25528—Steele County	
No. 25527—Steele County	
No. 25537—Steele County	
No. 16060—Steele County	
No. 21089—Steele County	
No. 25543—Steele County	
No. 25542—Steele County	
No. 23996—Traill County	
No. 35139—Traill County	
No. 10861—Traill County	
No. 19875—Traill County	
No. 12724—Traill County	
No. 12722—Traill County	
No. 12723—Traill County	
No. 12749—Traill County	
No. 16074—Traill County	
No. 16862—Traill County	
No. 16072—Traill County	
No. 35791—Traill County	
No. 12745—Traill County	
No. 12747—Traill County	
No. 12748—Traill County	
No. 39216—Kidder County	
Claim No. 39169, Grand Forks County .....	\$ 231.84
Claim No. 5569, Williams Co....	\$ 313.25
Claim No. 3478, Barnes Co.....	\$1,113.54
Claim No. 30167, Griggs Co.	
Claim No. 27895, Morton Co.	
Claim No. 30606, Steele Co.	

which claims were either paid several years after loss or held for collection or suit by a Bismarck attorney and later paid under his order when he became Insurance Commissioner, or allowed and paid though no Notice of Loss or claim was filed until several months after the loss, or which claims were paid in violation of law as expressed by the Attorney General, or in which claims application for insurance was made after the crops involved were actually struck by hail, payment having been authorized by a former Insurance Commissioner and a former Manager of the Hail Insurance Department, and all of which claims were paid under questionable and irregular circumstances.

NOW, THEREFORE, BE IT RESOLVED that a Senate fact-finding committee be appointed to investigate such questionable and irregular claims and to report back to the Senate.

BE IT FURTHER RESOLVED that the Insurance Commissioner be required to furnish such information as may be deemed necessary for such investigation and that this resolution be printed in the Senate journal.

House Concurrent Resolution "F" was read the first time.

Senator Fine moved that further consideration of House Concurrent Resolution "F" be deferred until Feb. 8th, and that the sponsors of the resolution be requested to give further information as to the meaning of the resolution, which motion prevailed.

The President called attention to the fact that only six days remained for the introduction of bills other than appropriation bills, after which time all bills other than appropriation measures would have to pass through the Delayed Bills Committee.

Senator Gilbertson moved that the Senate do now adjourn, which motion prevailed. The Senate stood adjourned.

THOMAS McDONALD,  
Secretary.

#### COURTESIES OF THE FLOOR

The courtesies of the floor were extended to:

Hollis E. Green, Linton; Cathryn Ray, Fargo; Otto Gunsch, Steele.

THOMAS McDONALD,  
Secretary.

## THIRTIETH DAY

Senate Chamber,  
Bismarck, North Dakota,  
February 3, 1937.

The Senate convened at 2:00 p. m., pursuant to adjournment, the President presiding.

Prayer by the Chaplain, Rev. Hildebrand Eickhoff, Mandan.

Roll Call: All members present except Senator Hulteng.

Senator Nelson of Barnes moved the absent Senators 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 twenty-ninth day and recommend that the same be corrected as follows:

On page 359, line 31, correct spelling of the word "appropriation" and after such word, insert the word "measures."

And when so corrected recommend that the same be approved.

C. C. MORRISON,  
Chairman.

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

## MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 3, 1937.

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

Senate Bill No. 56. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Normal School, Mayville, North Dakota.

Also,

Senate Bill No. 68. A Bill for an Act in Relation to Public Welfare and Social Security; to Provide for Public Aid to Dependent Children, and Prescribing the Duties of the State Public Welfare Board and the County Welfare Boards in the Administration Thereof, and Declaring an Emergency, and Repealing Chapter 165 of the Laws of 1925, Sections 2546a1 to 2546a10, Inclusive, of the 1925 Supplement to the 1913 Compiled Laws of North Dakota.

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

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
February 3, 1937.

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

House Bill No. 25. A Bill for an Act Making a Special Appropriation to Pay for the General Maintenance of the School of Medicine at the State University, Grand Forks, North Dakota.

Also,

House Bill No. 24. A Bill for an Act Making an Appropriation to Pay for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State University at Grand Forks, North Dakota.

Also,

House Bill No. 88. A Bill for an Act to Amend and Re-enact Section 5 of Chapter 195 of the Session Laws of North Dakota for the Year 1929, Relating to the Construction of All Public Buildings and Repairs and Improvements Connected With or Pertaining Thereto, Contracts Therefor, and Allowance and Payment of Estimates Thereon.

Also,

House Bill No. 69. A Bill for an Act to Amend and Re-enact Section 2122a of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, as Amended by That Certain Initiated Measure Entitled: "An Act to Amend and Re-enact Chapter 59 of the Laws of North Dakota for the Year 1917, as Amended by Chapter 220 of the Laws of North Dakota, Enacted by the Regular Session of the Legislature, for the Year 1919, as Amended by Chapter 298 of the Laws of North Dakota for the Year 1923, the Same Being Section 2122a of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, Relating to the Basis from Seventy-five (75) Per Cent of the Full and True Value Thereof to Fifty (50) Per Cent of the Full and True Value Thereof, and Repealing

All Acts or Parts of Acts in Conflict Herewith," Approved and Adopted by the Electors at the June 29, 1932, Primary Election, to Classify Property for Assessment at a Percentage of Its Value and Fix and Adopt Such Percentage of Values, Excepting Farm Buildings and Improvements from All Taxes, Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Also,

House Bill No. 79. A Bill for an Act Requiring the Commissioner of Insurance to Deposit All Receipts of the Department With the State Treasurer, and Providing for the Establishment of an Insurance Department Operating Account, and Requiring All Expenses of the Insurance Department to Be Paid Out of Such Insurance Department Operating Account. Repeal.

Also,

House Bill No. 73. A Bill for an Act to Amend and Re-enact That Certain Initiated Law Entitled: "An Act Reducing, Equalizing and Fixing Allowances for Mileage and Travel Expense of State Officials, Elective and Appointive, Their Deputies, Assistants, Clerks and Other State Employees, and Repealing All Acts and Parts of Acts in so far as They Are in Conflict Herewith, and Taking Effect as to All Except Elective Officials on the 30th Day of July, 1932, and as to Elective Officials Upon Their Election and Qualification Hereafter," Adopted and Approved by the Electors at the June 29th, 1932, Primary Election, Reducing and Fixing Allowances for Mileage and Travel Expense of State Officials, Elective and Appointive, Their Deputies, Assistants, Clerks and Other State Employees, Providing for the Filing of an Itemized Statement Thereof, Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

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

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 3, 1937.

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

House Bill No. 14. A Bill for an Act to Conserve the Natural Gas and Oil Resources of the State of North Dakota, to Prevent Waste through Negligent Methods of Operation, and to Provide for the Prescribing and Enforcing of Rules and Regulations Governing the Drilling, Casing and Abandonment of Oil and Gas Wells and the Waste of Oil and Gas, and Providing a Penalty for the Violation Thereof.

Which the Speaker has signed and your signature is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 3, 1937.

Mr. President: I have the honor to return herewith the following bill:

Senate Bill No. 8. A Bill for an Act Making an Appropriation for the Glanders and Dourine Indemnity Fund.

Which the House has amended.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 3, 1937.

Mr. President: I have the honor to inform you that the House has refused to concur in the Senate amendment to House Concurrent Resolution "P", and the Speaker has appointed as a conference committee to act with a like committee from the Senate, Representatives Beggs, Fitch and Fro-saker.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 3, 1937.

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

Senate Bill No. 18. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the Department of Coal Mine Inspection.

Also,

Senate Bill No. 34. A Bill for an Act Making an Appropriation to Pay the Expenses of the State Board of Veterinary Medical Examiners as Authorized Under Sections 2711 to 2720, Inclusive, of the Compiled Laws of North Dakota, for the Year 1913.

Which the Speaker has signed.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### PETITIONS AND COMMUNICATIONS

The following petitions and communications were received,

read from the desk, and referred to the appropriate committees:

A petition signed by 31 citizens of Stark County urging passage of House Bill 15.

A petition signed by 35 citizens of Tappen urging legislation to provide for bounty on wolves, also for dog license, the proceeds of dog license fee to be applied on payment of wolf bounties.

A communication from the resolutions committee of the Acme Local, Mott, N. Dak., urging passage of a bill voiding military training in public schools of the state.

A communication from the College Farmers Union Local, Fargo, N. Dak., favoring passage of a bill making military training in colleges optional.

A similar communication from the Scoria Butte Farmers Union Local No. 1126.

Also a communication from Scoria Butte Local 1126 urging continuance of high school correspondence course.

A telegram from the Rugby Fire Department opposing House Bill No. 80.

A similar telegram from the Michigan Fire Department, also one from the Lakota Fire Department.

A telegram from the Veterans of Foreign Wars of Stanley stating they were not in favor of House Bill No. 36. A similar telegram from the commander of the American Legion of Stanley.

#### REPORTS OF STANDING COMMITTEES

A minority of the Committee on Apportionment made the following report:

Mr. President: A minority of your Committee on Apportionment to whom was referred Senate Bill No. 47, have had the same under consideration and recommend that the same be amended as follows:

In line 6, of Sec. 3, strike out the name "Benson."

And when so amended recommend that the minority report of your committee be adopted.

J. T. MCGILLIC,  
 J. C. BLAISDELL, Jr.,  
 TOM WHELAN,  
 JAMES W. GUTHRIE,  
 SYVER VINJE,  
 MAX H. STREHLOW,  
 A. W. FOWLER,  
 WM. J. LOWE,  
 G. F. DREW,  
 OTTO TOPP,  
 W. J. TROUT,  
 GEORGE V. COFFEY,  
 WILLIAM KAMRATH,  
 Chairman.



A majority of the Committee on Apportionment made the following report:

Mr. President: A majority of your Committee on Apportionment to whom was referred Senate Bill No. 47, have had the same under consideration and recommend that the same be indefinitely postponed.

R. A. OWINGS,  
 AXEL OLSON,  
 J. K. BROSTUEN,  
 J. P. CAIN,  
 MELVIN P. JOHNSON,  
 WILLIAM KROEBER,  
 GUST WOG,  
 E. C. STUCKE,  
 ED. GREENE,  
 OLE ETTESTAD.  
 WILLIAM KAMRATH,  
 Chairman.

Senator Kamrath moved that the report of the majority be adopted.

Senator McGillic moved as a substitute motion that the word "minority" be substituted for the word "majority."

The motion was put. The Chair, being in doubt, a rising vote was taken. The motion prevailed.

The Committee on Corporations made the following report:

Mr. President: Your Committee on Corporations to whom was referred Senate Bill No. 100, have had the same under consideration and recommend that the same do pass.

MILTON R. YOUNG,  
 Chairman.

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

The Committee on Corporations made the following report:

Mr. President: Your Committee on Corporations to whom was referred Senate Bill No. 90.

Have had the same under consideration and recommend that the same be indefinitely postponed.

MILTON R. YOUNG,  
 Chairman.

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

The Committee on Corporations made the following report:

Mr. President: Your Committee on Corporations to whom was referred House Bill No. 32.

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

MILTON R. YOUNG,  
 Chairman.

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

The Committee on State Affairs made the following report:

Mr. President: Your Committee on State Affairs to whom was referred Senate Bill No. 108.

Have had the same under consideration and recommend that the same be amended as follows:

At the end of the title of the original bill, strike out the period, insert a semi-colon, and add the following language "Providing for a Penalty and Declaring an Emergency."

In Section 1, line 4, after the third comma, insert the following language: "Other than the publication of legal notices as required by law."

And when so amended, 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.

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 78.

Have had the same under consideration and recommend that the same be amended as follows:

In line 13 of the printed bill, strike out the figures "800.00" and insert in lieu thereof the figures "1,800.00."

In line numbered 14, strike out the figures "600.00" and insert in lieu thereof the figures "1,200.00."

In line numbered 15, strike out the figures "300.00" and insert in lieu thereof the figures "500.00."

In line numbered 23, strike out the figures "20,000.00" and insert in lieu thereof the figures "18,200.00."

And when so amended recommend that the same do pass.

B. W. LEMKE,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 30.

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

B. W. LEMKE,  
Chairman.

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

The Committee on Mines and Minerals made the following report:

Mr. President: Your Committee on Mines and Minerals to whom was referred House Bill No. 19.

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

WM. A. THATCHER,  
Chairman.

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

The Committee on Mines and Minerals made the following report:

Mr. President: Your Committee on Mines and Minerals to whom was referred House Bill No. 17.

Have had the same under consideration and recommend that the same be amended as follows:

In Section 1, line 9, of the printed bill, strike out the "period" and in lieu thereof insert a "comma." After the word "product" in Section 1, line 9, of the printed bill, add the following language: "provided that in all cases where land is sold, conveyed, or transferred by the county the title to all minerals, gas and petroleum deposits, shall be retained and reserved by the county."

And when so amended, recommend that the same do pass.

WM. A. THATCHER,  
Chairman.

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

The Committee on Elections made the following report:

Mr. President: Your Committee on Elections to whom was referred Senate Bill No. 126.

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

E. F. MUTCHLER,  
Chairman.

Senator Mutchler moved that the report be adopted.

Senator Fowler moved as a substitute motion that consid-

eration of the committee report on Senate Bill No. 126 be deferred until copies of the bill were received by the members, which motion prevailed.

The Committee on State Affairs made the following report:

Mr. President: Your Committee on State Affairs to whom was referred Senate Bill No. 88, have had the same under consideration and recommend that the same be amended as follows:

Section 2 (a), line 13, page 2 of the original bill, strike out the word "wherein" and insert in lieu thereof the words "made in".

In Section 7(b), line 1, correct the spelling of the word "injunctive".

In Section 9, line 2, correct the spelling of the word "thereof".

Strike out Sections 4, 5, and 6, and change the Section numbers to follow in sequence. Change Section No. 7 to Section No. 4, 8 to 5, 9 to 6, and 10 to 7.

And when so amended recommend the same do pass.

G. F. DREW,  
Chairman.

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

A majority of the Committee on State Affairs made the following report:

Mr. President: A majority of your Committee on State Affairs to whom was referred Senate Concurrent Resolution "K" have had the same under consideration and recommend that the same be indefinitely postponed.

A. W. FOWLER,  
J. P. CAIN,  
MAX H. STREHLOW,  
J. T. MCGILLIC,  
AXEL OLSON,  
TOM WHELAN,  
N. N. NELSON,  
MELVIN P. JOHNSON,  
C. C. MORRISON,  
WM. WATT,  
R. A. OWINGS,  
HARRY C. LYNN,  
ANDREW SKARVOLD,

A minority of the Committee on State Affairs made the following report:

Mr. President: A minority of your Committee on State Affairs to whom was referred Senate Concurrent Resolution "K"

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

A. N. LAVIK,  
GUST WOG.

G. F. DREW,  
Chairman.

Senator Drew moved that the report of the minority be adopted.

Senator Wog moved, as a substitute motion, that further consideration of the committee report on Senate Concurrent Resolution "K" be deferred until Monday, Feb. 8th, which motion prevailed.

The Committee on Agriculture made the following report:

Mr. President: Your Committee on Agriculture to whom was referred Senate Bill No. 86.

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

HERMAN THORSON,  
Chairman.

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

The Committee on Women's and Children's Welfare made the following report:

Mr. President: Your Committee on Women's and Children's Welfare to whom was referred Senate Bill No. 98.

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

SYVER VINJE,  
Chairman.

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

The Committee on Temperance made the following report:

Mr. President: Your Committee on Temperance to whom was referred Senate Bill No. 59.

Have had the same under consideration and recommend that the same be amended as follows:

In line 1 of the title of the printed bill, strike out the word "Prohibiting" and insert in lieu thereof the following language "Pertaining to."

After the part of the word "premises" appearing in line 4 of Section 1 of the printed bill, strike out the remainder of Section 1, and add in lieu thereof the following language: "where intoxicating liquors are sold as a beverage or on any premises connected with a place by door, stairs or other entrance."

Add "Section 2" as follows: "Section 2. The provisions of this Act shall not be applicable where there is adequate police or sheriff protection actively present on the premises and paid for by the operator during the hours said dances are in operation, to insure that the laws of this state shall be enforced and observed, particularly the laws relating to admission of minors, and said premises will be conducted in a lawful, orderly, and proper manner, and provided said operator shall procure the permit required by Article 79a Political Code of the Supplement to the Compiled Laws of 1913 or Acts Amendatory thereof.

In line 1 of Section 2 of the printed bill, strike out the figure "2" and insert in lieu thereof the figure "3."

In line 1 of Section 3 of the printed bill, strike out the figure "3" and insert in lieu thereof the figure "4."

In line 1 of Section 4 of the printed bill, strike out the figure "4" and insert in lieu thereof the figure "5."

And when so amended recommend that the same do pass.

OLE ETTESTAD,  
Chairman.

Senator Ettestad moved that the report be adopted.

Senator Mutchler moved, as a substitute motion, that all amendments to Senate Bill 59 be stricken from the bill and the bill recommended for passage without amendments, 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. 77. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the Workmen's Compensation Bureau.

Also,

Senate Bill No. 32. A Bill for an Act Making an Appropriation for St. John's Orphanage of Fargo, North Dakota, Providing the Methods of Expenditure, Reports, Certificates and Payment; Supervision and Inspection Therefor.

And find the same correctly engrossed.

WILLIAM KROEBER,  
Chairman.

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

Senator Cain moved that the President appoint a conference committee to confer with a like committee from the House on House Concurrent Resolution "P", relative to enrolling and engrossing contract, which motion prevailed.

The President appointed the following conference committee: Senators Cain, Whelan and Kroeber|

MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 3, 1937.

Mr. Speaker: I have the honor to inform you that the President has appointed as a Conference Committee on House Concurrent Resolution "P", Senators Cain, Whelan and Kroeber.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senator Whelan moved the nomination of Adeline Orvik of Northwood as Senate Stenographer.

ROLL CALL

The question being on the employment of Adeline Orvik of Northwood as Senate Stenographer, the roll was called and there were ayes, 46; nays, 0; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Owings
Bilden	Kamrath	Skarvold
Blaisdell	Kolpin	Streibel
Brostuen	Kroeber	Strehlow
Cain	Lavik	Stucke
Coffey	Lemke	Thatcher
Crandall	Lian	Thorson
Drew	Lowe	Topp
Ettestad	Lynn	Trout
Fowler	Magoffin	Vinje
Fredrickson	Morrison	Watt
Gilbertson	Mutchler	Whelan
Greene	Nelson, Barnes	Williams
Gronvold	Nelson, Grand Fks.	Wog
Guenther	Olson	Young
Guthrie		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fine	Hulteng	McGillic

So Adeline Orvik was declared elected.

Senator Thatcher moved that the Senate do concur in the House Amendments to Senate Bill No. 8, which motion prevailed.

## ROLL CALL

The question being on the final passage of Senate Bill No. 8, as amended by the House, the roll was called and there were ayes, 40; nays, 0; absent and not voting, 9.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Owings
Blaisdell	Kolpin	Skarvold
Brostuen	Lemke	Strehlow
Coffey	Lian	Streibel
Drew	Lowe	Stucke
Ettestad	Lynn	Thatcher
Fine	Magoffin	Thorson
Fowler	McGillic	Topp
Fredrickson	Morrison	Trout
Gilbertson	Mutchler	Vinje
Greene	Nelson, Barnes	Watt
Gronvold	Nelson, Grand Fks.	Wog
Guenther	Olson	Young
Guthrie		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Hulteng	Lavik
Cain	Kamrath	Whelan
Crandall	Kroeber	Williams

So the amendments were declared adopted.

Senator Watt moved that the Secretary be instructed to again call the attention of the Highway Department to the fact that the information previously requested by the Senate has not been received, and to request that such information be furnished as soon as possible, which motion prevailed.

The Committee on Women's and Children's Welfare introduced:

## FIRST READING OF SENATE BILLS

Senate Bill No. 141. A Bill for an Act to Promote the Public Welfare by Providing for Public Assistance to Aged Persons in Need.

Was read the first time and referred to the Committee on Women's and Children's Welfare.

Senators Guthrie, Ettestad and Cain introduced:

Senate Bill No. 142. A Bill for an Act to Amend and Re-enact Chapter 81 of the Session Laws for the Year 1933, Relating to Bonds from Contractors on Public Improvements; Repealing Section 6835 of the Compiled Laws for the Year 1913, and All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

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



The Committee on Judiciary introduced:

Senate Bill No. 143. A Bill for an Act Authorizing the Secretary of State to Contract with the Lawyer's Co-operative Publishing Company of Rochester, New York, for the Publication of a Compiled Edition of the Laws of North Dakota; Making an Appropriation; Creating a Revolving Loan Fund; and Declaring an Emergency.

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

Senators Nelson of Grand Forks, Brostuen and Thorson introduced:

Senate Bill No. 144. A Bill for an Act to Regulate Collection Agencies, and for the Protection of the People in General From Unscrupulous and Irresponsible Agents and Individuals Calling Themselves Collection Agencies.

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

Senator Morrison introduced:

Senate Bill No. 145. A Bill for an Act to Provide an Additional Method for Issuance of Professional Teachers Certificates.

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

Senators Lynn, Cain and Young introduced:

Senate Bill No. 146. A Bill for an Act to Amend and Re-enact Chapter 7 of the Session Laws of the State of North Dakota for the Year 1931.

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

Senators Brostuen and Olson introduced:

Senate Bill No. 147. A Bill for an Act to Amend and Re-enact Section 800 of the Compiled Laws of 1913 With Regard to Causes for Revocation or Suspension of the Certificate of Admission to the Bar by an Attorney and Counsellor at Law.

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

Senators Nelson of Grand Forks, Whelan and Stucke introduced:

Senate Bill No. 148. A Bill for an Act to Amend and Re-enact Chapter 94 of the Session Laws for the Year 1929, and Chapter 267 of the Session Laws for the Year 1935, Relating to the Custodian of the State Capitol and Grounds and Describing His Power, Duties and Appointing Such Custodian.

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

Senators Nelson of Barnes, Johnson, Skarvold and Strehlow introduced:

Senate Bill No. 149. A Bill for an Act to Amend and Re-enact the Initiated Measure Entitled, "An Act to Authorize, Regulate, and Control the Transportation, Importation, Handling, Possession, Purchase, Sale, and Dispensing of Alcohol, and Alcoholic Beverages in the State of North Dakota; Defining Alcoholic Beverages, Providing the Method of Taxing and Licensing the Same, Providing the Manner of Expending and Distributing the Revenues from Such Licenses and Taxes; Providing Penalties for Violations of the Provisions of Said Act, Providing for a Saving Clause as to the Constitutionality of Any Part of the Act; and Repealing All Acts and Parts of Acts in Conflict Therewith," and Declaring an Emergency.

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

Senators Brostuen and Cain introduced:

Senate Bill No. 150. A Bill for an Act to Provide for the Creation of the State Water Commission; Prescribing Its Powers and Duties; Providing for the Construction, Operation and Maintenance of a System of Works for the Conservation, Development, Storage, Distribution and Utilization of Water, and for the Acquisition of Property Necessary Therefor; Authorizing the Issuance of State Water Commission Revenue Bonds of the State, Payable Solely from the Revenues of Such Works and the Funds Received from the Sale or Disposal of Water and From the Operation, Lease, Sale or Other Disposition of the Works, Property and Facilities to be Acquired Out of the Proceeds of Such Bonds; Providing for the Lien Upon Bond Proceeds; Providing for Trust Indentures; Providing for the Creation of Certain Funds in Connection with this Act; Providing for Contracts with the United States; Declaring that No Debt of the State Shall Be Incurred in the Exercise of Any of the Powers Granted by This Act; Providing for the Purchase Condemnation; and Otherwise Acquiring Lands and Water Rights and for the Sale Thereof; Making an Appropriation; Providing Fund to be Designated The Conservation Revolving Fund; Providing for the Collection and Payment of Moneys Into Said Fund and Disbursements Therefrom; and to Provide That the State Water Commission May Mortgage Property; and Designating the State Planning Board as the State Water Commission; and Designating Said Water Commission as a Body Corporate; and to Grant Additional Powers to the Commission in the Sale of Water and to Authorize the Sale of Certain Water Works to Public Bodies; Providing for the Purchase of Bonds and the Making of Loans by the Bank of North Dakota; and Declaring an Emergency.

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

Senator Cain moved that Senate Bill No. 150 be referred

to the committee without being printed, which motion prevailed.

Senator Fredrickson introduced:

Senate Bill No. 151. A Bill for an Act to Authorize, Regulate and Control the Transportation, Importation, Handling, Possession, Purchase, Sale and Dispensing of Alcohol and Alcoholic Beverages, as Now Defined by Law, in This State by Common Carriers, Providing for the Method of Taxing and Licensing Alcohol and Alcoholic Beverages When Handled and Sold by Common Carriers, and of Expending and Distributing the Revenues from Such Taxes and Licenses, and Providing Penalties for the Violation of This Act; and Declaring an Emergency.

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

Senator Etestad introduced:

Senate Concurrent Resolution "L." A Concurrent Resolution Providing for Amendment of Section 185 of Article 12 of the Constitution of the State of North Dakota Relating to the Powers of the State, Counties, or Cities.

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

Senators Thorson and Fine introduced:

SENATE RESOLUTION "M." "Relative to Ratification of the Argentine Sanitary Convention and Continuance of Embargo on Animal Products as Protection from Menace of Foot and Mouth Disease.

Which was read the first time.

Senator Thorson moved that the rules be suspended and that Senate Resolution "M" be adopted.

Which motion prevailed.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 3, 1937.

Mr. Speaker: I have the honor to inform you that the Senate has concurred in the House amendments to Senate Bill No. 8.

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### SENATE COMMITTEE ON ENROLLMENT AND ENGROSSMENT

The Committee on Enrollment and Engrossment made the following report:

Your Committee on Enrollment and Engrossment respectfully report that they have examined the following:

SENATE RESOLUTION "K"

Also,

Senate Bill No. 50. A Bill for an Act to Repeal Section 10185b of the Supplement to the 1913 Compiled Laws of North Dakota Relating to Prohibiting Smoking in Specified Places, and the Penalties.

And find the same correctly enrolled.

WILLIAM KROEBER,  
Chairman.

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

The Committee on Enrollment and Engrossment made the following report:

Your Committee on Enrollment and Engrossment respectfully report that:

Senate Bill No. 18. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the Department of Coal Mine Inspection.

Also,

Senate Bill No. 34. A Bill for an Act Making an Appropriation to Pay the Expenses of the State Board of Veterinary Medical Examiners as Authorized Under Sections 2711 to 2720, Inclusive, of the Compiled Laws of North Dakota, for the Year 1913.

Were delivered to the Governor for his approval at the hour of 2:40 p. m., o'clock, February 3, 1937.

WILLIAM KROEBER,  
Chairman.

SECOND READING OF SENATE BILLS

Senate Bill No. 32. A Bill for an Act Making an Appropriation for St. John's Orphanage of Fargo, North Dakota, Providing the Methods of Expenditure, Reports, Certificates and Payment; Supervision and Inspection Therefor.

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, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Johnson	Owings

Messrs.	Messrs.	Messrs.
Blaisdell	Kamrath	Skarvold
Cain	Kolpin	Strehlow
Coffey	Kroeber	Streibel
Crandall	Lavik	Stucke
Drew	Lemke	Thatcher
Ettestad	Lian	Thorson
Fine	Lowe	Topp
Fowler	Lynn	Trout
Fredrickson	Magoffin	Vinje
Gilbertson	Morrison	Watt
Greene	Mutchler	Whelan
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	McGillic	Williams
Hulteng		

So the bill passed and the title was agreed to.

Senate Bill No. 104. A Bill for an Act Making an Appropriation for the Evangelical Lutheran Good Samaritan Society at Fargo, North Dakota, for the Care and Education of Crippled Children.

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, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Johnson	Owings
Blaisdell	Kamrath	Skarvold
Cain	Kolpin	Strehlow
Coffey	Kroeber	Streibel
Crandall	Lavik	Stucke
Drew	Lemke	Thatcher
Ettestad	Lian	Thorson
Fine	Lowe	Topp
Fowler	Lynn	Trout
Fredrickson	Magoffin	Vinje
Gilbertson	Morrison	Watt
Greene	Mutchler	Whelan
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	McGillic	Williams
Hulteng		

So the bill passed and the title was agreed to.

Senate Bill No. 31. A Bill for an Act Making an Appropriation for Poor and Destitute Persons, Providing the Method of Expenditure and Audit Thereof; Supervision and Inspection Therefor.

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, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Nelson, Grand Fks.
Bilden	Guthrie	Nelson
Blaisdell	Johnson	Owings
Brostuen	Kamrath	Skarvold
Cain	Kolpin	Strehlow
Coffey	Kroeber	Streibel
Crandall	Lavik	Stucke
Drew	Lemke	Thatcher
Ettestad	Lian	Thorson
Fine	Lowe	Topp
Fowler	Lynn	Vinje
Fredrickson	Magoffin	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Wog
Gronvold	Nelson, Barnes	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Hulteng	Trout	Williams
McGillic		

So the bill passed and the title was agreed to.

Senate Bill No. 77. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the Workmen's Compensation Bureau.

Was read the second time.

Senator Stucke moved that Senate Bill No. 77 be amended as follows:

Following line 21, on page 2 of the printed bill, reinsert the item "Safety Work \$8,000.00".

Which motion was lost.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 47; nays, 0; absent and not voting, 2.

Those voting in the affirmative were:

<b>Messrs.</b>	<b>Messrs.</b>	<b>Messrs.</b>
Aasen	Guthrie	Owings
Bilden	Johnson	Skarvold
Blaisdell	Kamrath	Strehlow
Brostuen	Kolpin	Streibel
Cain	Kroeber	Stucke
Coffey	Lavik	Thatcher
Crandall	Lemke	Thorson
Drew	Lian	Topp
Ettestad	Lowe	Trout
Fine	Lynn	Vinje
Fowler	Magoffin	Watt
Fredrickson	Morrison	Whelan
Gilbertson	Mutchler	Williams
Greene	Nelson, Barnes	Wog
Gronvold	Nelson, Grand Fks.	Young
Guenther	Olson	

Absent and not voting:

<b>Messrs.</b>	<b>Messrs.</b>
Hulteng	McGillic

So the bill passed and the title was agreed to.

Senate Bill No. 81. A Bill for an Act Making an Appropriation for the Lutheran Welfare Society of North Dakota.

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, 47; nays, 0; absent and not voting, 2.

Those voting in the affirmative were:

<b>Messrs.</b>	<b>Messrs.</b>	<b>Messrs.</b>
Aasen	Johnson	Owings
Bilden	Kamrath	Skarvold
Blaisdell	Kolpin	Strehlow
Brostuen	Kroeber	Streibel
Cain	Lavik	Stucke
Coffey	Lemke	Thatcher
Crandall	Lian	Thorson
Drew	Lowe	Topp
Ettestad	Lynn	Trout
Fine	Magoffin	Vinje
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young
Guthrie	Olson	

Absent and not voting:

<b>Messrs.</b>	<b>Messrs.</b>
Fowler	Hulteng

So the bill passed and the title was agreed to.

## MESSAGE TO THE SENATE

House of Representatives,  
Bismarck, North Dakota,  
February 3, 1937.

Mr. President: I have the honor to inform you that the House has adopted the report of the Conference Committee on:

## HOUSE RESOLUTION "P"

Very respectfully,  
MINNIE D. CRAIG,  
Chief Clerk.

## SECOND READING OF SENATE BILLS

Senate Bill No. 106. A Bill for an Act to Amend and Re-enact Section 7792 of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 154 of the Session Laws of North Dakota, for 1933, Relating to the Amount of Costs on Foreclosure of Liens, Who Entitled Thereto, Prohibiting the Division of Attorney Fees, Prescribing Penalty for Violation, 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, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Olson
Blaisdell	Kamrath	Owings
Brostuen	Kolpin	Skarvold
Cain	Kroeber	Strehlow
Coffey	Lavik	Streibel
Crandall	Lemke	Thatcher
Drew	Lian	Thorson
Ettestad	Lowe	Topp
Fine	Lynn	Trout
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Gronvold	Mutchler	Wog
Guenther	Nelson, Barnes	Young
Guthrie	Nelson, Grand Fks.	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Hulteng	Williams
Greene	Stucke	

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

Senate Bill No. 91. A Bill for an Act to Amend and Re-



enact Section 9660 of the Compiled Laws of 1913 Defining a Lottery.

Was read the second time.

Senator Fine moved that Senate Bill No. 91 be amended as follows:

On page 2 of the printed bill, line 18, following the word "lottery," strike out the period, insert a comma and the following language "provided the definition above shall not be construed to apply to churches wherein they attempt to raise necessary funds to maintain their functioning."

Which motion was lost.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 26; nays, 22; absent and not voting 1.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Skarvold
Bilden	Lavik	Strehlow
Blaisdell	Lian	Thorson
Cain	Lowe	Topp
Coffey	Lynn	Watt
Crandall	Magoffin	Whelan
Drew	McGillic	Wog
Fredrickson	Mutchler	Young
Gilbertson	Nelson, Barnes	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Brostuen	Kamrath	Owings
Ettestad	Kolpin	Streibel
Fine	Kroeber	Stucke
Fowler	Lemke	Thatcher
Greene	Morrison	Trout
Gronvold	Nelson, Grand Fks.	Vinje
Guenther	Olson	Williams
Johnson		

Absent and not voting:

Messrs.  
Hulteng

So the bill passed and the title was agreed to.

Senator Watt moved that the vote by which Senate Bill No. 91 was passed be reconsidered and the motion to reconsider be laid on the table.

Roll call demanded and granted.

**ROLL CALL**

The question being on the motion of Senator Watt, the roll

was called and there were ayes, 22; nays, 26; absent and not voting 1.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Lavik	Skarvold
Bilden	Lian	Strehlow
Blaisdell	Lowe	Topp
Cain	Magoffin	Watt
Coffey	McGillic	Whelan
Crandall	Mutchler	Wog
Drew	Nelson, Barnes	Young
Fredrickson		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Brostuen	Johnson	Owings
Ettestad	Kamrath	Streibel
Fine	Kolpin	Stucke
Fowler	Kroeber	Thatcher
Gilbertson	Lemke	Thorson
Greene	Lynn	Trout
Gronvold	Morrison	Vinje
Guenther	Nelson, Grand Fks.	Williams
Guthrie	Olson	

Absent and not voting:

Messrs.  
Hulteng

So the motion was declared lost.

Senator Cain requested that the Senate return to the sixth order of business which request was granted.

The Conference Committee on House Resolution "P" made the following report:

Mr. President: Your Conference Committee appointed to confer with a like Committee of the House on the Senate amendment to House Resolution "P" recommend that the Senate withdraw its amendment to the Resolution and adopt the same as passed by the House.

For the Senate:  
J. P. CAIN,  
WILLIAM KROEBER,  
TOM WHELAN.

For the House:  
ARLO E. BEGGS,  
K. A. FITCH,  
O. G. FROSAKER.

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

Senator Cain moved that House Resolution "P" be adopted, which motion prevailed.

MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 3, 1937.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the report of the Conference Committee on House Concurrent Resolution "P".

Very respectfully,

THOMAS McDONALD,  
Secretary.

SECOND READING OF HOUSE BILLS

House Bill No. 75. A Bill for an Act to Amend and Re-enact Section 6077 of the 1913 Compiled Laws of the State of North Dakota as Amended and Re-enacted by Chapter 158 of the Session Laws of 1935 Relating to the Rate of Interest to Be Allowed on Judgments.

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, 48; nays, 0; absent and not voting, 1.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Johnson	Owings
Blaisdell	Kamrath	Skarvold
Brostuen	Kolpin	Strehlow
Cain	Kroeber	Streibel
Coffey	Lavik	Stucke
Crandall	Lemke	Thatcher
Drew	Lian	Thorson
Ettestad	Lowe	Topp
Fine	Lynn	Trout
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young

Absent and not voting:

Messrs.  
Hulteng

So the bill passed and the title was agreed to.

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. 3. A Bill for an Act Prohibiting the Manufacture, Owning, Operating, Storing, Possessing, Selling, Renting, Leasing, Lending, Transporting, or in any Manner Handling or Exposing for Sale or Lease, any Slot Machine, Ball Machine, or Other Device; Defining the Duties of State's Attorneys, Peace Officers; Providing Penalties for the Violation of the Provisions of This Act; Continuing in Force Present Statutory Regulations Prohibiting or Regulating Slot Machines, and Declaring an Emergency.

Also,

Senate Bill No. 29. A Bill for an Act Making an Appropriation for Poor and Destitute Persons, Providing the Methods of Expenditure and Audit Thereof; Supervision and Inspection Therefor.

Also,

Senate Bill No. 30. A Bill for an Act Making an Appropriation for the North Dakota Children's Home and Aid Society of Fargo, North Dakota, Providing the Methods of Expenditure, Reports, Certificates, and Payments; Supervision and Inspection Therefor.

And find the same correctly engrossed.

WILLIAN KROEBER,  
Chairman.

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

The President called the President pro tem to the chair.

Senate Bill No. 3. A Bill for an Act Prohibiting the Manufacture, Owning, Operating, Storing, Possessing, Selling, Renting, Leasing, Lending, Transporting, or in any Manner Handling or Exposing for Sale or Lease, any Slot Machine, Ball Machine, or Other Device; Defining the Duties of State's Attorneys, Peace Officers; Providing Penalties for the Violation of the Provisions of This Act; Continuing in Force Present Statutory Regulations Prohibiting or Regulating Slot Machines, and Declaring an Emergency.

Was read the second time.

Senator Brostuen moved that Senate Bill No. 3 be amended as follows:

Strike out the "Emergency Clause." Also in last line of the title of the Bill, following the word "machines," insert a period and strike out the words "and declaring an emergency."

Which motion prevailed.

Senator Brostuen moved that the rules be suspended and

Senate Bill No. 3 be considered properly re-engrossed, and placed upon Second Reading and Final Passage, as amended.

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, 39; nays, 8; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Skarvold
Bilden	Kolpin	Strehlow
Brostuen	Kroeber	Stucke
Cain	Lavik	Thatcher
Crandall	Lemke	Thorson
Drew	Lowe	Topp
Ettestad	Lynn	Trout
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guthrie	Owings	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Johnson	Olson
Coffey	Lian	Streibel
Guenther	Nelson, Grand Fks	

Absent and not voting:

Messrs.	Messrs.
Fine	Hulteng

So the bill passed and the title was agreed to.

Senator Kroeber 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.

#### EXPLANATION OF VOTE

Senator Blaisdell: I am voting "no" on this Bill. I think the original Bill was a very good one. The amendments, however, that have been put in, fix it so that they have slot machines in any private place, and I think if they are no good in public places they are no good in private places. Therefore I am voting "no" on the Bill.

Senate Bill No. 29. A Bill for an Act Making an Appropriation for Poor and Destitute Persons, Providing the Methods of Expenditure and Audit Thereof; Supervision and Inspection Therefor.

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, 48; nays, 0; absent and not voting, 1.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Johnson	Owings
Blaisdell	Kamrath	Skarvold
Brostuen	Kolpin	Strehlow
Cain	Kroeber	Streibel
Coffey	Lavik	Stucke
Crandall	Lemke	Thatcher
Drew	Lian	Thorson
Ettestad	Lowe	Topp
Fine	Lynn	Trout
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young

Absent and not voting:

Messrs.  
Hulteng

So the bill passed and the title was agreed to.

Senate Bill No. 30. A Bill for an Act Making an Appropriation for the North Dakota Children's Home and Aid Society of Fargo, North Dakota, Providing the Methods of Expenditure, Reports, Certificates, and Payments; Supervision and Inspection Therefor.

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, 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kolpin	Owings
Bilden	Kroeber	Skarvold
Blaisdell	Lavik	Strehlow
Brostuen	Lemke	Streibel
Cain	Lian	Stucke
Coffey	Lowe	Thatcher
Crandall	Lynn	Thorson
Fowler	Magoffin	Trout
Fredrickson	McGillic	Vinje
Gilbertson	Morrison	Watt
Greene	Mutchler	Whelan

Messrs.	Messrs.	Messrs.
Gronvold	Nelson, Barnes	Williams
Guthrie	Nelson, Grand Fks.	Wog
Johnson	Olson	Young
Kamrath		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Drew	Fine	Hulteng
Ettestad	Guenther	Topp

So the bill passed and the title was agreed to.

**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:

**JOINT RESOLUTION "I"**

And find the same correctly enrolled.

**WM. KROEBER,**  
Chairman.

Senator Kroeber 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:

**SENATE RESOLUTION "K"**

Also,

Senate Bill No. 50. A Bill for an Act to Repeal Section 10185b of the Supplement to the 1913 Compiled Laws of North Dakota Relating to Prohibiting Smoking in Specified Places, and the Penalties.

And find the same correctly enrolled.

**WILLIAM KROEBER,**  
Chairman.

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

The Secretary announced that the President was about to sign:

**SENATE RESOLUTION "K"**

Also,

## JOINT RESOLUTION "I"

Also,

House Bill No. 14. A Bill for an Act to Conserve the Natural Gas and Oil Resources of the State of North Dakota, to Prevent Waste through Negligent Methods of Operation, and to Provide for the Prescribing and Enforcing of Rules and Regulations Governing the Drilling, Casing and Abandonment of Oil and Gas Wells and the Waste of Oil and Gas, and Providing a Penalty for the Violation Thereof.

Also,

Senate Bill No. 50. A Bill for an Act to Repeal Section 10185b of the Supplement to the 1913 Compiled Laws of North Dakota Relating to Prohibiting Smoking in Specified Places, and the Penalties.

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

Senator Thorson requested that the Senate return to the seventh order of business, which request was granted.

Senator Thorson moved that an extension of five days be granted on the introduction of bills other than appropriation measures.

Which motion lost.

## COURTESIES OF THE FLOOR

The courtesies of the floor were extended to:

Donald Erickson, Watford City; Marion Fish, Lawton; Roald Peterson, Schafer; Winfield Fine, Sheyenne; Earl McCarmel, Fargo; Sena Ingberg, Ray; P. M. Clark, Mohall; I. W. Gerlich, Mrs. I. W. Gerlich, H. A. Macoff, all of Dickinson; George Olson, Charlson; Mike Holzendega, Jacob Albright.

Senator Gilbertson moved that the Senate do now adjourn, which motion prevailed. The Senate stood adjourned.

THOMAS McDONALD,  
Secretary.



THIRTY-FIRST DAY

Senate Chamber,  
Bismarck, North Dakota,  
February 4, 1937.

The Senate convened at 2:00 P. M., pursuant to adjournment, the President presiding.

Prayer by the Chaplain, Rev. Hildebrand Eickhoff, Mandan.

Roll Call: All members present except Senators Hulteng and Johnson.

Senator Nelson of Barnes moved the absent Senators be excused.

Which motion prevailed.

MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 4, 1937.

Mr Speaker: I have the honor to transmit herewith the following bill:

Senate Bill No. 50. A Bill for an Act to Repeal Section 10185b of the Supplement to the 1913 Compiled Laws of North Dakota Relating to Prohibiting Smoking in Specified Places, and the Penalties.

Which the President has signed and your signature is respectfully requested.

Very respectfully,  
THOMAS McDONALD,  
Secretary

Senate Chamber,  
Bismarck, North Dakota,  
February 4, 1937.

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

JOINT RESOLUTION "I"

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

Very respectfully,  
THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 4, 1937.

Mr. Speaker: I have the honor to return herewith the following bill:

House Bill No. 14. A Bill for an Act to Conserve the Natural Gas and Oil Resources of the State of North Dakota, to Prevent Waste through Negligent Methods of Operation, and to Provide for the Prescribing and Enforcing of Rules and Regulations Governing the Drilling, Casing and Abandonment of Oil and Gas Wells and the Waste of Oil and Gas, and Providing a Penalty for the Violation Thereof.

Which the President has signed.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 4, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bill:

Senate Bill No. 54. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, New Building and Equipment for the State School of Science at Wahpeton, North Dakota.

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

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
February 4, 1937.

Mr. President: I have the honor to return herewith the following bill:

Senate Bill No. 38. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire, Travel and General Expenses of the Office of Veterans' Service Commissioner as Prescribed by Chapter 281, Laws of 1927, and Chapter 74, Laws of 1929.

Which the House has passed unchanged.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck North Dakota,  
February 4, 1937.

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

## HOUSE CONCURRENT RESOLUTION "Q"

Which the House has adopted and your favorable consideration is respectfully recommended.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 4, 1937.

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

House Bill No. 72. A Bill for an Act to Amend and Re-enact Section 3521 of the Compiled Laws of North Dakota for the Year 1931 as Amended by Section 1 of Chapter 286 of the Session Laws of North Dakota for the Year 1923, the Same Being Section 3521 of the Supplement of the Compiled Laws of North Dakota for the Year 1925, and as Amended by That Certain Initiated Law Entitled "An Act Reducing and Fixing Allowances for Mileage and Travel Expenses of County Officials and Their Deputies, and Repealing All Acts and Parts of Acts in so far as They Conflict Herewith, and Taking Effect July 30th, 1932, Excepting as to Elective Officials as to Whom It Shall Take Effect and Be in Force Upon Their Election and Qualification to Office Hereafter," Approved and Adopted by the Electors at the June 29th, 1932, Primary Election Relating to Allowances for Mileage and Travel Expense of County Officials and Their Deputies and Providing for an Itemized Statement of Such Mileage and Travel Expense, Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Also,

House Bill No. 85. A Bill for an Act to Provide for Public Display of the Specifications of Motor Gasoline Offered for Sale at Retail.

Also,

House Bill No. 12. A Bill for an Act Making an Appropriation to Provide Funds for the Maintenance of the North Dakota National Guard or State Militia, as Provided for Under Chapter 35 of the Political Code of the Compiled Laws of North Dakota, for the Year 1913 and Amendments Thereto, and to Meet Other Requirements Prescribed by the Federal Statutes.

Also,

House Bill No. 43. A Bill for an Act Making an Appropriation for the General Maintenance, a New Building, Equipment and Miscellaneous Expenses of the State Hospital for the Insane at Jamestown, North Dakota.

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

Very respectfully,

MINNIE D. CRAIG,  
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 30th day and recommend that the same be corrected as follows:

On page 362, line 26, correct spelling of the word "General".

On page 372, line 24, strike out the word "negative" and insert the word "affirmative."

On page 372, lines 18, 21 and 45, correct spelling of the name "Orbick".

On page 372, at the end of last line, strike out the comma and insert the following: "which motion prevailed."

On page 373, correct lines 3 and 4 to read as follows: "The question being on the final passage of Senate Bill No. 8, as amended by the House, the roll was called and there were"

And when so corrected recommend that the same be approved.

C. C. MORRISON,  
Chairman.

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

#### PETITIONS AND COMMUNICATIONS

The following petitions and communications were received, read from the desk, and referred to the appropriate committees:

A petition signed by approximately one thousand students at the North Dakota Agricultural College, Fargo, urging defeat of House Bill No. 36.

A petition signed by Frank Hefter and 29 other taxpayers of Renville County requesting legislative action to provide for abatement of 50% of the 1935 hail tax.

A resolution from the Steele Lions Club urging passage of Senate Bill No. 87, also urging passage of House Bill No. 83.

A resolution from the Board of County Commissioners of Logan County asking legislation necessary to abolish County Welfare Boards and re-establish administration of poor relief by local subdivisions.

A resolution adopted by Board of Directors of the Cass County Farmers Union asking that compulsory military training be abolished; urging passage of legislation to build highways and bridges of sufficient width, and eliminate steep ditches along highways; providing inspection of lights on trucks and autos by Highway Department; and cooperation with Minnesota on a reciprocal basis by which North Dakota farmers, while operating their trucks in Minnesota, would be excused from purchasing special license, etc.

#### SENATE COMMITTEE ON ENROLLMENT AND EN-GROSSMENT

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. 78. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the Game and Fish Department.

Also,

Senate Bill No. 108. A Bill for an Act Requiring an Appropriation by the Legislature, Before Any Expenditure Can Be Made or Liability Incurred for Advertising by the State, or Any of Its Institutions, Departments or Enterprises.

Also,

Senate Bill No. 88. A Bill for an Act Making Unlawful Certain Discriminations in Price, in Services or Facilities Furnished, or in Payment for Services of Facilities to Be Rendered, in Connection with the Sale of Commodities in the Course of Trade or Commerce, and Providing Certain Remedies for Violation.

And find the same correctly engrossed.

WILLIAM KROEBER,  
Chairman.

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

#### REPORTS OF STANDING COMMITTEES

The Committee on Taxes and Tax Laws made the following report:

Mr. President: Your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 97, have had the same under consideration and recommend that the same be amended as follows:

In line 9 of Section 1, of the printed bill, strike out the following language: "may, and".

Following Section 3, of the printed bill, add the following language: "The commencement and maintenance of any proceedings under this Act shall not in any manner be held to waive, alter or affect the lien of the taxes upon the real or personal property proceeded against."

And when so amended, recommend that the same do pass.

J. K. BROSTUEN,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 76, have had the same under consideration and recommend that the same do pass.

B. W. LEMKE,  
Chairman.

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

The Committee on State Affairs made the following report:

Mr. President: Your Committee on State Affairs to whom was referred Senate Bill No. 94, have had the same under consideration and recommend that the same be amended as follows:

Strike out everything after the words "A Bill" and insert in lieu thereof the following language: "For an Act providing for the granting of the concession of operating the Restaurant and Cafe in the Capitol, by the State Board of Administration, and authorizing said Board to supervise and make rules and regulations governing the operation of the same and declaring an emergency."

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:**

Section 1. The Board of Administration is hereby authorized, directed, and empowered to make such lease or grant such concessions with respect to the cafe and restaurant in the Capitol and the operation thereof, upon such terms and conditions as said Board shall deem fair and reasonable. Provided, however, that there shall be at all times reserved to said Board the right, at any time, to cancel such lease or concession if the prices charged, or the quality of food and service furnished, or the conduct of such cafe and restaurant is not approved by or satisfactory to said Board.

Section 2. This Act is hereby declared to be an emergency 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. F. DREW,  
Chairman.

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

The Committee on Elections made the following report:

Mr. President: Your Committee on Elections to whom was referred Senate Bill No. 126, have had the same under consideration and recommend that the same do pass.

E. F. MUTCHLER,  
Chairman.

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

Senator Morrison moved that the Senate request the return of Senate Resolution "H", which motion prevailed.

Senator Morrison moved that the vote by which Senate Resolution "H" was adopted be reconsidered, which motion prevailed.

Senator Morrison requested permission to withdraw Senate Resolution "H", which request was granted.

Senator Morrison:

"Mr. President: Resolution 'H' was filed by me in good faith, but after it was filed and after investigating the facts I find that I was in error as far as Senator Whelan is concerned. Therefore, I request the permission of the Senate to withdraw Resolution 'H.'"

Senator Whelan moved that the committee appointed to investigate charges against him be discharged, which motion prevailed.

Senator Whelan: "The reason I make that request, I am personally satisfied that Senator Morrison acted in good faith when he made these charges. They were delivered to him by irresponsible people whom at that time he did not know. I am absolutely satisfied he made the charges in good faith and I accept the Senator's apology."

Senator Drew moved that House Concurrent Resolution "F," on which action had been deferred pending further information, be now given consideration.

Which motion prevailed.

Senator Drew moved that the rules be suspended and House Concurrent Resolution "F" be adopted.

Which motion prevailed.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 4, 1937.

Mr. Speaker: I have the honor to return herewith the following resolution:

#### HOUSE CONCURRENT RESOLUTION "F"

Which the Senate has adopted unchanged.

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### FIRST READING OF SENATE BILLS

Senator Drew introduced:

Senate Bill No. 152. A Bill for an Act to Amend and Re-enact Sections 10169a4, and 10169a5 of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, Dealing with the North Dakota Beverage Inspection Act, Defining the Beverages Coming Within the Provisions of that Act, and Fixing the Fee Required to be Paid for Registration of Label Thereof, and Declaring an Emergency.

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

Senator Brostuen introduced:

Senate Bill No. 153. A Bill for an Act to Prevent Fraud and Deception in the Sale of Livestock Medicines; Providing for the Registration and Labeling of Livestock Medicines; Authorizing Rules and Regulations for the Administration of this Act; Prescribing the Method of Revocation of Such

Registration and Prescribing a Penalty for the Violation Thereof.

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

Senator Trout introduced:

Senate Bill No. 154. A Bill for an Act to Provide a Method of Voting at any General or Primary Election by Electors Absent or Anticipating Being Absent on the Day of Such Election from the County in Which They are Electors, Repealing Sections 992, 993, 995 and 996 of the Compiled Laws of North Dakota 1913 as Amended by Chapter 136 of the 1931 Session Laws and by Chapter 107 of the 1933 Session Laws, and Repealing Sections 994, 997, 998, 999, 1000, 1001, 1002, 1003 and 1004 of the Compiled Laws of North Dakota 1913, and Repealing all Acts or Parts of Acts in Conflict Herewith.

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

Senators Mutchler and Trout introduced:

Senate Bill No. 155. A Bill for an Act to Amend and Re-enact Section 7 of Chapter 235, Session Laws of 1929, as Amended by Chapter 252, Session Laws of 1931, and Section 2 of Chapter 297, Session Laws of 1931, Relating to the Tax Levy Limitations of School Districts.

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

Senators Trout and Mutchler introduced:

Senate Bill No. 156. A Bill for an Act to Require the County Auditor of Each County to Levy an Annual Tax of Four Mills upon Each Dollar of the Taxable Valuation of Property in the County for the Support of the Public Schools Within the County, and to Provide for the Apportionment Thereof Among the Schools by the County Superintendent of Schools on the Basis of Aggregate Days of Attendance.

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

Senators Owings and Mutchler introduced:

Senate Bill No. 157. A Bill for an Act Concerning Changes in the Tariffs, Rates, Joint Rates, Fares, Tolls, Schedules or Classifications or Service; Repealing All Acts or Parts of Acts in Conflict Herewith; and Declaring this Act to be an Emergency Measure.

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

Senators Mutchler, Fine and Trout introduced:

Senate Bill No. 158. A Bill for an Act to Provide for the Attendance of Non-Resident Students at the Public Schools of this State; to Regulate the Terms of Their Admission; and to Permit the Payment by School Boards



of Tuition, Transportation, Board and Lodging of Resident Students Attending Other Schools.

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

Committee on Agriculture introduced:

Senate Bill No. 159. A Bill for an Act to Amend Chapter 106 of the Session Laws of 1935 so as to Permit the Organization of Co-operative Grazing Associations in Any County, to Permit the Organization of More Than one Association in Any County, and to Provide for Long-Term Leases of County-Owned Land.

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

Senators Fine and Thorson introduced:

SENATE CONCURRENT RESOLUTION "M," "Relative to distribution of federal funds for purchase of seed, feed and fuel."

Which was read the first time.

Senator Thorson moved that the rules be suspended and Senate Concurrent Resolution "M" be adopted.

Which motion prevailed.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 4, 1937.

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

SENATE CONCURRENT RESOLUTION "M"

Which the Senate has adopted and your favorable consideration is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 47. A Bill for an Act to Amend and Re-enact Sections 22, 23 and 24, of the Compiled Laws of North Dakota for 1913, and to Repeal Section 25 Thereof, Relating to the Redistricting of the State of North Dakota Into Two Congressional Districts and Defining the Same.

Was read the second time.

Senator Gronvold moved that Senate Bill No. 47 be amended as follows:

On page 2 of the printed Bill, Section 23, line 5, following the word "Sargent," insert the word "Pierce," and in Section 24, line 3, after the word "McHenry," strike out the word "Pierce."

Which motion lost.

Senator Cain moved that Senate Bill No. 47 be re-referred to the committee for further consideration.

Which motion lost.

Senator Fine moved that Senate Bill No. 47 be amended as follows:

In line 3 of page 2 of the printed Bill, strike out the word "Benson," and in line 6 of Section 3, insert the word "Benson" following the word "Pierce."

Which motion prevailed.

Senator McGillic moved the previous question.

Which motion lost.

Senator Gronvold renewed his motion that Senate Bill No. 47 be amended as follows:

On page 2 of printed Bill, Section 23, line 5, following the word "Sargent," insert the word "Pierce," and in Section 24, line 3, after the word "McHenry," strike out the word "Pierce."

Which motion prevailed.

Senator Fowler moved that the rules be suspended and that Senate Bill No. 47 be placed upon Second Reading and Final Passage, as amended.

Which motion prevailed.

#### ROLL CALL

The question being on the final passage of Senate Bill No. 47, as amended, the roll was called and there were ayes, 29; nays, 18; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Nelson, Barnes
Blaisdell	Guthrie	Nelson, Grand Fks.
Coffey	Kroeber	Strehlow
Crandall	Lavik	Topp
Drew	Lian	Trout
Ettestad	Lowe	Vinje
Fowler	Lynn	Watt
Fredrickson	Magoffin	Whelan
Gilbertson	McGillic	Young
Gronvold	Mutchler	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Bilden	Kolpin	Streibel
Brostuen	Lemke	Stucke
Cain	Morrison	Thatcher
Fine	Olson	Thorson
Greene	Owings	Williams
Kamrath	Skarvold	Wog

Absent and not voting:

Messrs.	Messrs.
Hulteng	Johnson

So the bill passed and the title was agreed to.

Senator McGillic moved that the vote by which Senate Bill No. 47 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 100. A Bill for an Act to Amend Section 3696a of the Supplement to the Compiled Laws of 1913, Relating to Liability of Municipalities for Injuries Caused by Accumulation of Frost, Snow, Ice or Sleet on Public Sidewalks, Crosswalks, Streets, Alleys or Other Public Ways and Exempting Municipalities from Liability for Injuries to Person or Property Occurring in Whole or in Part Upon State or National Highways Within Such Municipalities.

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:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Owings
Blaisdell	Kolpin	Skarvold
Brostuen	Kroeber	Strehlow
Cain	Lavik	Streibel
Coffey	Lemke	Stucke
Crandall	Lian	Thatcher
Drew	Lowe	Thorson
Ettestad	Lynn	Topp
Fine	Magoffin	Trout
Fowler	McGillic	Vinje
Fredrickson	Morrison	Watt
Gilbertson	Mutchler	Whelan
Greene	Nelson, Barnes	Williams
Gronvold	Nelson, Grand Fks.	Wog
Guenther	Olson	Young
Guthrie		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Hulteng	Johnson

So the bill passed and the title was agreed to.

Senate Bill No. 108. A Bill for an Act Requiring an Appropriation by the Legislature, Before Any Expenditure Can Be Made or Liability Incurred for Advertising by the State, or Any of Its Institutions, Departments or Enterprises.

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, 7; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Skarvold
Blaisdell	Kolpin	Strehlow

Messrs.	Messrs.	Messrs.
Brostuen	Kroeber	Streibel
Cain	Lavik	Thatcher
Coffey	Lemke	Thorson
Crandall	Lian	Topp
Drew	Lowe	Trout
Fine	Lynn	Vinje
Fowler	Magoffin	Watt
Fredrickson	McGillic	Whelan
Gilbertson	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young
Guthrie		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Bilden	Morrison	Owings
Ettestad	Olson	Stucke
Greene		

Absent and not voting:

Messrs.	Messrs.
Hulteng	Johnson

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

Senate Bill No. 78. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the Game and Fish Department.

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, 3; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Olson
Bilden	Kamrath	Owings
Blaisdell	Kolpin	Skarvold
Cain	Kroeber	Strehlow
Coffey	Lavik	Streibel
Crandall	Lemke	Stucke
Drew	Lian	Thatcher
Ettestad	Lowe	Thorson
Fine	Lynn	Topp
Fowler	Magoffin	Trout
Fredrickson	McGillic	Vinje
Gilbertson	Morrison	Watt
Greene	Mutchler	Williams
Guthrie	Nelson, Barnes	Wog
Gronvold	Nelson, Grand Fks.	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Brostuen	Whelan	Young

Absent and not voting:

Messrs.	Messrs.
Hulteng	Johnson

So the bill passed and the title was agreed to.

The President called the President pro tem to the chair.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
February 4, 1937.

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

#### HOUSE CONCURRENT RESOLUTION "O".

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

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 88. A Bill for an Act Making Unlawful Certain Discriminations in Price, in Services or Facilities Furnished, or in Payment for Services or Facilities to Be Rendered, in Connection with the Sale of Commodities in the Course of Trade or Commerce, and Providing Certain Remedies for Violation.

Was read the second time.

Senator Strehlow moved that Senate Bill No. 88 be amended as follows:

In Section 3, line 5, strike out the second letter "r" in the word "purchasers"

Which motion prevailed.

Senator Guthrie moved that the rules be suspended and Senate Bill No. 88 be considered properly re-engrossed, and placed upon Second Reading and Final Passage, as amended, which motion prevailed.

Senator Gilbertson moved that further consideration of Senate Bill No. 88 be deferred one legislative day and that it be placed at the head of the calendar, which motion prevailed.

Senate Bill No. 86. A Bill for an Act Providing for the Extermination of Bots in Horses and Mules; Defining Bot Treatment; Prescribing the Duties of Township Boards When Petitioned.

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, 2; absent and not voting, 9.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Nelson, Grand Fks.
Bilden	Kolpin	Skarvold
Blaisdell	Kroeber	Strehlow
Brostuen	Lavik	Streibel
Cain	Lemke	Thatcher
Coffey	Lian	Topp
Crandall	Lowe	Trout
Drew	Lynn	Vinje
Gilbertson	Magoffin	Watt
Greene	McGillie	Whelan
Gronvold	Morrison	Williams
Guenther	Mutchler	Young
Guthrie	Nelson, Barnes	

Those voting in the negative were:

Messrs.	Messrs.
Olson	Owings

Absent and not voting:

Messrs.	Messrs.	Messrs.
Ettestad	Fredrickson	Stucke
Fine	Hulteng	Thorsen
Fowler	Johnson	Wog

So the bill passed and the title was agreed to.

President Thoresen resumed the chair.

Senate Bill No. 98. A Bill for an Act to Promote the Public Welfare by Providing Aid to the Needy Blind.

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, 0; absent and not voting, 10.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Olson
Bilden	Kolpin	Owings
Blaisdell	Lavik	Skarvold
Brostuen	Lemke	Strehlow
Coffey	Lian	Streibel
Crandall	Lowe	Stucke
Drew	Lynn	Thatcher
Fowler	Magoffin	Topp
Fredrickson	McGillie	Trout
Gilbertson	Morrison	Vinje
Gronvold	Mutchler	Watt
Guenther	Nelson, Barnes	Wog
Guthrie	Nelson, Grand Fks.	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Cain	Hulteng	Thorson
Ettestad	Johnson	Whelan
Fine	Kroeber	Williams
Greene		

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

Senator Nelson of Grand Forks moved that further consideration of Senate Bill No. 59 be deferred until Monday.

Which motion prevailed.

### FIRST READING OF HOUSE BILLS

House Bill No. 25. A Bill for an Act Making a Special Appropriation to Pay for the General Maintenance of the School of Medicine at the State University, Grand Forks, North Dakota.

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

House Bill No. 24. A Bill for an Act Making an Appropriation to Pay for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State University at Grand Forks, North Dakota.

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

House Bill No. 88. A Bill for an Act to Amend and Re-enact Section 5 of Chapter 195 of the Session Laws of North Dakota for the Year 1929, Relating to the Construction of All Public Buildings and Repairs and Improvements Connected With or Pertaining Thereto, Contracts Therefor, and Allowance and Payment of Estimates Thereon.

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

House Bill No. 69. A Bill for an Act to Amend and Re-enact Section 2122a of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, as Amended by That Certain Initiated Measure Entitled: "An Act to Amend and Re-enact Chapter 59 of the Laws of North Dakota for the Year 1917, as Amended by Chapter 220 of the Laws of North Dakota, Enacted by the Regular Session of the Legislature, for the Year 1919, as Amended by Chapter 298 of the Laws of North Dakota for the Year 1923, the Same Being Section 2122a of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, Relating to the Basis from Seventy-five (75) Per Cent of the Full and True Value Thereof to Fifty (50) Per Cent of the Full and True Value Thereof, and Repealing All Acts or Parts of Acts in Conflict Herewith," Approved and Adopted by the Electors at the June 29, 1932, Primary Election, to Classify Property for Assessment at a Percentage of Its Value and Fix and Adopt Such Percentage of Values, Excepting Farm Buildings and Improvements from All Taxes, Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Was read the first time and referred to the Committee on Taxes and Tax Laws.

House Bill No. 79. A Bill for an Act Requiring the Commissioner of Insurance to Deposit All Receipts of the Department With the State Treasurer, and Providing for the Establishment of an Insurance Department Operating Account, and Requiring All Expenses of the Insurance Department to Be Paid Out of Such Insurance Department Operating Account. Repeal.

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

House Bill No. 73. A Bill for an Act to Amend and Re-enact That Certain Initiated Law Entitled: "An Act Reducing, Equalizing and Fixing Allowances for Mileage and Travel Expense of State Officials, Elective and Appointive, Their Deputies, Assistants, Clerks and Other State Employees, and Repealing All Acts and Parts of Acts in so far as They Are in Conflict Herewith, and Taking Effect as to All Except Elective Officials on the 30th Day of July, 1932, and as to Elective Officials Upon Their Election and Qualification Hereafter," Adopted and Approved by the Electors at the June 29th, 1932, Primary Election, Reducing and Fixing Allowances for Mileage and Travel Expense of State Officials, Elective and Appointive, Their Deputies, Assistants, Clerks and Other State Employees, Providing for the Filing of an Itemized Statement Thereof, Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Was read the first time and referred to the Committee on Taxes and Tax Laws.

House Bill No. 85. A Bill for an Act to Provide for Public Display of the Specifications of Motor Gasoline Offered for Sale at Retail.

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

House Bill No. 72. A Bill for an Act to Amend and Re-enact Section 3521 of the Compiled Laws of North Dakota for the Year 1931 as Amended by Section 1 of Chapter 286 of the Session Laws of North Dakota for the Year 1923, the Same Being Section 3521 of the Supplement of the Compiled Laws of North Dakota for the Year 1925, and as Amended by That Certain Initiated Law Entitled "An Act Reducing and Fixing Allowances for Mileage and Travel Expenses of County Officials and Their Deputies, and Repealing All Acts and Parts of Acts in so far as They Conflict Herewith, and Taking Effect July 30th, 1932, Excepting as to Elective Officials as to Whom It Shall Take Effect and Be in Force Upon Their Election and Qualification to Office Hereafter," Approved and Adopted by the Electors at the June 29th, 1932, Primary Election Relating to Allowances for Mileage and Travel Expense of County Officials and Their Deputies and Providing for an Itemized Statement of Such Mileage and Travel Expense, Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Was read the first time and referred to the Committee on Taxes and Tax Laws.



House Bill No. 12. A Bill for an Act Making an Appropriation to Provide Funds for the Maintenance of the North Dakota National Guard or State Militia, as Provided for Under Chapter 35 of the Political Code of the Compiled Laws of North Dakota, for the Year 1913 and Amendments Thereto, and to Meet Other Requirements Prescribed by the Federal Statutes.

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

House Bill No. 43. A Bill for an Act Making an Appropriation for the General Maintenance, a New Building, Equipment and Miscellaneous Expenses of the State Hospital for the Insane at Jamestown, North Dakota.

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

HOUSE CONCURRENT RESOLUTION "O"

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

HOUSE CONCURRENT RESOLUTION "Q"

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

SECOND READING OF HOUSE BILLS

House Bill No. 32. A Bill for an Act to Amend and Re-enact Section 1 and 2 of Chapter 195 of the Session Laws for 1935, Relating to Funding and Refunding Existing Indebtedness of Municipalities, and Declaring an Emergency.

Was read the second time.

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, 11.

ROLL CALL

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kroeber	Strehlow
Bilden	Lemke	Streibel
Blaisdell	Lian	Stucke
Brostuen	Lowe	Thatcher
Coffey	Lynn	Topp
Crandall	Magoffin	Trout
Drew	Morrison	Vinje
Fowler	Mutchler	Watt
Fredrickson	Nelson, Barnes	Whelan
Gronvold	Nelson, Grand Fks.	Williams
Guenther	Olson	Wog
Guthrie	Owings	Young
Kolpin	Skarvold	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Cain	Greene	Lavik
Ettestad	Hulteng	McGillic

Messrs.	Messrs.	Messrs.
Fine	Johnson	Thorson
Gilbertson	Kamrath	

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

House Bill No. 30. A Bill for an Act Making a Special Appropriation for the General Maintenance, Improvements and Repairs and Equipment for the New Addition to the Infirmary of the State Tuberculosis Sanatorium at San Haven, North Dakota, from April 1, 1937, to June 30, 1937, 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, 0; absent and not voting, 10.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kolpin	Skarvold
Bilden	Kroeber	Strehlow
Blaisdell	Lemke	Streibel
Brostuen	Lian	Stucke
Cain	Lowe	Thatcher
Crandall	Lynn	Topp
Drew	Magoffin	Trout
Fowler	Morrison	Vinje
Fredrickson	Mutchler	Watt
Gilbertson	Nelson, Barnes	Whelan
Gronvold	Nelson, Grand Fks.	Williams
Guenther	Olson	Wog
Guthrie	Owings	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Coffey	Hulteng	Lavik
Ettestad	Johnson	McGillic
Fine	Kamrath	Thorson
Greene		

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

Senator Thatcher moved that consideration of House Bill No. 19 be deferred one legislative day, which motion prevailed.

Senator Whelan moved that further consideration of House Bill No. 17 be deferred one legislative day, which motion prevailed.

A message from the Governor was received, relative to the motor vehicle tax.

Senator Whelan moved that the message be printed in the Journal, which motion prevailed.

State of North Dakota  
OFFICE OF THE GOVERNOR  
Bismarck

February 4, 1937.

To the Members of the Senate,

Twenty-fifth Legislative Assembly:

Gentlemen:

After a conference at Washington I have concluded that my recommendation to the Legislature to reduce the Motor Vehicle license fee to \$3.00, plus a personal property tax, all of which will have gone to the State Highway Department, should be withdrawn.

I am therefore recommending that it is to the best interest of the State to leave the amount of these license fees as they were the last two years.

Yours very truly,

WILLIAM LANGER,

Governor.

WL:JEB

The Secretary read a letter received by him in response to request made of the Highway Department yesterday as to why information had not been furnished pursuant to Senate Resolution "G." The letter stated that the information was being compiled and would be completed not later than February 6th.

COURTESIES OF THE FLOOR

The courtesies of the floor were extended to:

John Conrad, Erie; Mrs. Christiansen, Wild Rose; Mrs. Carl J. Larson, Mrs. Fred E. Orr, Bismarck; Frank Webb, Ed Haugh, Mr. and Mrs. F. A. Bitzan, Grand Forks; Vera Malchow, Fargo; Mrs. Ruth Bissell, Grand Forks, and A. F. Fir, Nome.

Senator Strehlow moved that the Senate do now adjourn.

Which motion prevailed.

The Senate stood adjourned.

THOMAS McDONALD,

Secretary.

## THIRTY-SECOND DAY

Senate Chamber,  
Bismarck, North Dakota,  
February 5, 1937.

The Senate convened at 2:00 p. m. pursuant to adjournment, the President presiding.

Prayer by the Chaplain, Rev. Hildebrand Eickhoff, Mandan.

Roll Call: All members present except Senators Hulteng, Johnson and Thatcher.

Senator Nelson of Barnes moved that all absent Senators be excused, which motion prevailed.

## MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 5, 1937.

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

Senate Bill No. 32. A Bill for an Act Making an Appropriation for St. John's Orphanage of Fargo, North Dakota, Providing the Methods of Expenditure and Audit Thereof; Supervision and Inspection Thereof.

Also,

Senate Bill No. 30. A Bill for an Act Making an Appropriation for the North Dakota Children's Home and Aid Society of Fargo, North Dakota, Providing the Methods of Expenditure, and Audit Thereof; Supervision and Inspection Therefor.

Also,

Senate Bill No. 104. A Bill for an Act Making an Appropriation for the Evangelical Lutheran Good Samaritan Society at Fargo, North Dakota, for the Care and Education of Crippled Children.

Also,

Senate Bill No. 31. A Bill for an Act Making an Appropriation for Poor and Destitute Persons, Providing the Method of Expenditure and Audit Thereof; Supervision and Inspection Therefor.

Also,

Senate Bill No. 77. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the Workmen's Compensation Bureau.

Also,

Senate Bill No. 81. A Bill for an Act Making an Appropriation for the Lutheran Welfare Society of North Dakota, Providing the Methods of Expenditure and Audit Thereof; Supervision and Inspection Therefor.

Also,

Senate Bill No. 29. A Bill for an Act Making an Appropriation for Poor and Destitute Persons, Providing the Methods of Expenditure and Audit Thereof; Supervision and Inspection Therefor.

Also,

Senate Bill No. 3. A Bill for an Act Prohibiting the Manufacture, Owning, Operating, Storing, Possessing, Selling, Renting, Leasing, Lending, Transporting, or in any Manner Handling or Exposing for Sale or Lease, any Slot Machine, Ball Machine, or Other Device; Defining the Duties of State's Attorneys, Peace Officers; Providing Penalties for the Violation of the Provisions of This Act; Continuing in Force Present Statutory Regulations Prohibiting or Regulating Slot Machines, and Declaring an Emergency.

Also,

Senate Bill No. 106. A Bill for an Act to Amend and Re-enact Section 7792 of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 154 of the Session Laws of North Dakota, for 1933, Relating to the Amount of Costs on Foreclosure of Liens, Who Entitled Thereto, Prohibiting the Division of Attorney Fees, Prescribing Penalty for Violation, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Also,

Senate Bill No. 91. A Bill for an Act to Amend and Re-enact Section 9660 of the Compiled Laws of 1913 Defining a Lottery.

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

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 5, 1937.

Mr. Speaker: I have the honor to return herewith the following bill:

House Bill No. 75. A Bill for an Act to Amend and Re-enact Section 6077 of the 1913 Compiled Laws of the State of North Dakota as Amended and Re-enacted by Chapter 158 of the Session Laws of 1935 Relating to the Rate of Interest to Be Allowed on Judgments.

Which the Senate has passed unchanged.

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### MESSAGES FROM THE HOUSE

House Chamber,  
Bismarck, North Dakota,  
February 5, 1937.

Mr. President: I have the honor to return herewith the following bill:

Senate Bill No. 46. A Bill for an Act to Amend and Re-enact Section 2092a1, Supplement to the Compiled Laws of 1913, Relating to Tax Commissioner.

Which the House has indefinitely postponed.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 5, 1937.

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

House Bill No. 105. A Bill for an Act to Amend and Re-enact Section 1151 of the Compiled Laws of 1913, as Amended and Re-enacted by Chapter 237, Session Laws of 1927, Relating to Election of Officers of Common School Districts, and Prescribing Qualifications Therefor.

Also,

House Bill No. 54. A Bill for an Act Prohibiting the Marriage of Minors Under the Supervision of the Juvenile Court or State Training School, Without Order of the Juvenile Court.

Also,

House Bill No. 104. A Bill for an Act to Amend and Re-

enact Section 1265 of the Compiled Laws of 1913, Relating to Candidates and the Official Ballot at Elections in Special School Districts.

Also,

House Bill No. 40. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Penitentiary.

Also,

House Bill No. 45. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items of the School for the Deaf at Devils Lake, North Dakota.

Also,

House Bill No. 145. A Bill for an Act Providing for a Transfer of Certain School Lands Situated in Bottineau County, State of North Dakota, with the Buildings Thereon, to the State Historical Society to Be Used and Maintained as a Part of the State Public Park System, and Providing for an Appropriation to Reimburse the Permanent School Fund of the State.

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

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 5, 1937.

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

Senate Bill No. 84. A Bill for an Act to Amend and Re-enact Section 8247a21 of the 1925 Supplement to the Compiled Laws, North Dakota, 1913, Relating to Lien of Assessments in Irrigation Districts, Giving the Same Equality as Liens with General Taxes and Sale Thereof, Repealing All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Also,

Senate Bill No. 89. A Bill for an Act to Amend and Re-enact Section 3644 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Duties of City Boards of Equalization.

Which the House has passed unchanged.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 5, 1937.

Mr. President: I have the honor to return herewith the following bill:

Senate Bill No. 67. A Bill for an Act Exempting from any Tax Upon the Sale of Personal Property, Sales of Equipment, Medicine, Drugs or Building Materials or Supplies to Institutions of Public Charity, Including Public Hospitals Under Control of Religious or Charitable Societies, Although Contract or Agreement to Purchase Such Property was Previously Entered Into; and Declaring an Emergency.

Which the House has indefinitely postponed.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 5, 1937.

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

House Bill No. 13. A Bill for an Act to Amend and Re-enact Section 4547 of the Compiled Laws of North Dakota for the Year 1913.

Which the Speaker has signed and your signature is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 5, 1937.

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

SENATE JOINT RESOLUTION "I."

Which the Speaker has signed and your signature is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 5, 1937.

Mr. President: I have the honor to return herewith the following bill:



Senate Bill No. 50. A Bill for an Act to Repeal Section 10185b of the Supplement to the Compiled Laws of 1913 Relating to Prohibiting Smoking in Specified Places.

Which the Speaker has signed and your signature is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

The oath of office was administered to Adeline Orvik of Northwood as Senate stenographer.

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 31st day and recommend that the same be corrected as follows:

On page 391, line 28, strike out the word "Speaker" and insert the word "President".

And when so corrected recommend that the same be approved.

C. C. MORRISON,  
Chairman.

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

#### PETITIONS AND COMMUNICATIONS

The following petitions and communications were received, read from the desk, and referred to the appropriate committees:

A communication from the Secretary of the Board of Directors of the Farmers Union Cooperative Creamery of Williston stating that organization went on record favoring passage of legislative measures abolishing compulsory military training, providing adequate appropriations for High School Correspondence work, inclusion of a course of cooperation in State course of study, homestead exemption and graduated land tax; also, similar communications from the Denmark, Spencer-Baden and Elmdale Farmers Union Locals, forwarded by Elizabeth A. Sigloh, Kenmare, N. Dak.

A similar communication from Farmers Union Local 400, from Buford, Williams county.

A telegram from the Oakes Fire Department urging defeat of House Bill No. 80.

A telegram from the Gilbert C. Grafton Post of the American Legion, Fargo, stating they had unanimously adopted a resolution opposing passage of House Bill No. 36, and asking its defeat.

A communication from P. H. McGurren, State Highway Commissioner, containing information requested in Senate Resolution "G".

Senator Watt moved that the communication from the State Highway Commissioner be referred to the Appropriations Committee, 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. 47. A Bill for an Act to Amend and Re-enact Sections 22, 23 and 24, of the Compiled Laws of North Dakota for 1913, and to Repeal Section 25 Thereof, Relating to the Redistricting of the State of North Dakota Into Two Congressional Districts and Defining the Same.

Also,

Senate Bill No. 94. A Bill for an Act Providing for the Granting of Concessions in State, County, and Municipal Public Buildings and the Grounds Adjacent Thereto, for Cafes, Restaurants, and Confectionaries; and, Providing for the Leasing, Renting, and Licensing of Such Public Concessions, and Making it Unlawful for Any State Official, County Official, Municipal Official, and Any Commission or Board Thereof, to Let Anyone Have the Use and Benefits of Any Such Concessions Without Having Complied With the Provisions of This Act, and Providing a Penalty Therefor; and Making This Act an Emergency Measure.

Also,

Senate Bill No. 97. A Bill for an Act to Provide for the Collection of Delinquent Taxes Levied and Assessed Upon Real and/or Personal Property from the Rents, Issues and Income Thereof by Means of Receivership. Repealing All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

And find the same correctly engrossed.

WILLIAM KROEBER,  
Chairman.

Senator Kroeber 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. 88. A Bill for an Act Making Unlawful Certain Discriminations in Price, in Services or Facilities Furnished, or in Payment for Services or Facilities to Be Rendered, in Connection with the Sale of Commodities in the Course of Trade or Commerce, and Providing Certain Remedies for Violation.

And find the same correctly engrossed.

WILLIAM KROEBER,  
Chairman.

Senator Kroeber 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 bills:

Senate Bill No. 1. A Bill for an Act Providing for the Organization of Farmers State Mutual Fire and Lightning Reinsurance Companies, and Repealing all Acts and Parts of Acts in Conflict Herewith.

Also,

Senate Bill No. 8. A Bill for an Act Making an Appropriation for the Glanders and Dourine Indemnity Fund, and Declaring an Emergency.

And find the same correctly enrolled.

WILLIAM KROEBER,  
Chairman.

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

#### REPORT OF STANDING COMMITTEES

The Committee on State Affairs made the following report:

Mr. President: Your Committee on State Affairs to whom was referred House Bill No. 68.

Have had the same under consideration and recommend that the same be amended as follows:

In section 9, page 4, line 21, after the comma following the word "paper hanging" in the engrossed bill, insert the following language "who during any period of the year next preceding the date of making application for renewal has employed regularly six or more journeyman painters."

In section 9, line 3 of page 5 of the engrossed bill, after the word "painters," insert a period and strike out the following language in lines three and four, "employed regularly by such establishment during any period of the year."

And when so amended recommend the same do pass.

G. F. DREW,  
Chairman.

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

The Committee on Women's and Children's Welfare made the following report:

Mr. President: Your Committee on Women's and Children's Welfare to whom was referred Senate Bill No. 109.

Have had the same under consideration and recommend that the same be indefinitely postponed.

SYVER VINJE,  
Chairman.

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

The Committee on Women's and Children's Welfare made the following report:

Mr. President: Your Committee on Women's and Children's Welfare to whom was referred Senate Bill No. 137.

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

SYVER VINJE,  
Chairman.

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

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 5, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bill:

Senate Bill No. 47. A Bill for an Act to Amend and Re-enact Sections 22, 23 and 24, of the Compiled Laws of North Dakota for 1913, and to Repeal Section 25 Thereof, Relating to the Redistricting of the State of North Dakota Into Two Congressional Districts and Defining the Same.

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

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### REPORTS OF STANDING COMMITTEES

The Committee on Women's and Children's Welfare made the following report:

Mr. President: Your Committee on Women's and Children's Welfare to whom was referred Senate Bill No. 132, have

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

SYVER VINJE,  
Chairman.

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

The Committee on Women's and Children's Welfare made the following report:

Mr. President: Your Committee on Women's and Children's Welfare, to whom was referred Senate Bill No. 141, have had the same under consideration and recommend that the same do pass.

SYVER VINJE,  
Chairman.

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

The Committee on Banks and Banking made the following report:

Mr. President: Your Committee on Banks and Banking to whom was referred Senate Bill No. 22, have had the same under consideration and recommend that the same be amended as follows:

By inserting a comma after the word "Dakota" in line 11 of page 1 of the printed bill, and adding the following "except as prohibited by regulations of the Federal Deposit Insurance Corporation or the Federal Reserve Board."

And when so amended recommend that the same do pass.

MAX H. STREHLOW,  
Chairman.

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

The Committee on Banks and Banking made the following report:

Mr. President: Your Committee on Banks and Banking to whom was referred Senate Bill No. 65, have had the same under consideration and recommend that the same do pass.

MAX H. STREHLOW,  
Chairman.

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

The Committee on Banks and Banking to whom was referred Senate Bill No. 85, have had the same under consideration and recommend that the same do pass.

MAX H. STREHLOW,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 4, have had the same under consideration and recommend that the same do pass.

B. W. LEMKE,  
Chairman.

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

The Committee on Appropriations made the following report:

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

B. W. LEMKE,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 128, have had the same under consideration and recommend that the same do pass.

B. W. LEMKE,  
Chairman.

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

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 107, have had the same under consideration and recommend that the same do pass.

J. P. CAIN,  
Chairman.

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

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 129, have had the same under consideration and recommend that the same do pass.

J. P. CAIN,  
Chairman.

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

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 130, have had the same under consideration and recommend that the same be amended as follows:

Section 3, line 1, strike out the word "termination," insert in lieu thereof, the word "determination."

And when so amended, recommend that the same do pass.

J. P. CAIN,  
Chairman.

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

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 131, have had the same under consideration and recommend that the same do pass.

J. P. CAIN,  
Chairman.

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

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 144, have had the same under consideration and recommend that the same be indefinitely postponed.

J. P. CAIN,  
Chairman.

Senator Cain moved that the report be adopted.

Senator McGillic moved, as a substitute motion, that Senate Bill No. 144 be re-referred to the Judiciary Committee, which motion prevailed.

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 143, have had the same under consideration and recommend that the same do pass.

It has been requested that this Bill be referred to the Committee on Appropriations.

J. P. CAIN,  
Chairman.

Senator Cain moved that the report be adopted, which

motion prevailed and the report was adopted, and Senate Bill No. 143 was referred to the Appropriations Committee.

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred:

SENATE CONCURRENT RESOLUTION "L,"

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

J. P. CAIN,  
Chairman.

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

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 52, have had the same under consideration and recommend that the same do pass.

J. P. CAIN,  
Chairman.

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

Senator Fowler moved that the Senate reconsider the vote by which Senate Bill No. 98 was passed, which motion prevailed.

Senator Mutchler moved that Senate Bill No. 98 be amended as follows:

On page 14 of the printed bill, line 2, of Section 19, strike out the figures "\$50.00" and inserting in lieu thereof the figures "\$100.00."

Senator Drew moved, as a substitute motion, that Senate Bill No. 98 be amended as follows:

In line 2, of Section 19 of the printed bill, by striking out the figures "\$50.00" and inserting the figures "\$75.00."

Which motion prevailed.

Senator Fowler moved that the rules be suspended and Senate Bill No. 98 be considered properly re-engrossed, and placed upon Second Reading and final passage, as amended, which motion prevailed.

SECOND READING OF SENATE BILLS

Senate Bill No. 98. A Bill for an Act to Promote the Public Welfare by Providing Aid to the Needy Blind.

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, 46; nays, 0; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Owings
Bilden	Kolpin	Skarvold
Blaisdell	Kroeber	Strehlow
Brostuen	Lavik	Streibel
Cain	Lemke	Stucke
Coffey	Lian	Thatcher
Crandall	Lowe	Thorson
Drew	Lynn	Topp
Ettestad	Magoffin	Trout
Fowler	McGillic	Vinje
Fredrickson	Morrison	Watt
Gilbertson	Mutchler	Whelan
Greene	Nelson, Barnes	Williams
Gronvold	Nelson, Grand Fks.	Wog
Guenther	Olson	Young
Guthrie		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fine	Hulteng	Johnson

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

Senator Cain requested that the Senate return to the 7th order of business, which request was granted.

Senator Cain requested an extension of time on Senate Bill No. 2 and House Bill No. 21, which request was granted.

Senator Thatcher requested an extension of time on House Bills No. 15 and 16, which request was granted.

Senator Coffey requested an extension of time on Senate Bill No. 62, which request was granted.

## FIRST READING OF SENATE BILLS

Senator Trout introduced:

Senate Bill No. 160. A Bill for an Act Prohibiting Chattel Mortgages on Personal Property When Such Mortgage Fails to Specifically Describe the Property Mortgaged or When the Same is Designated by Group; Repealing All Acts or Parts of Acts in Conflict Herewith; and Declaring an Emergency.

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

The Committee on Women's and Children's Welfare introduced:

Senate Bill No. 161. A Bill for an Act to Promote the Public Welfare by Providing for Assistance for Crippled Children and for Child Welfare Services.

Was read the first time and referred to the Committee on Women's and Children's Welfare.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 88. A Bill for an Act Making Unlawful Certain Discriminations in Price, in Services or Facilities Furnished, or in Payment for Services or Facilities to Be Rendered, in Connection with the Sale of Commodities in the Course of Trade or Commerce, and Providing Certain Remedies for Violation.

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, 3; absent and not voting 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Nelson, Grand Fks.
Bilden	Guthrie	Owings
Blaisdell	Kolpin	Skarvold
Brostuen	Kroeber	Strehlow
Cain	Lavik	Streibel
Coffey	Lemke	Stucke
Crandall	Lian	Thatcher
Drew	Lowe	Topp
Ettestad	Lynn	Vinje
Fowler	Magoffin	Watt
Fredrickson	McGillic	Whelan
Gilbertson	Morrison	Williams
Greene	Mutchler	Wog
Gronvold	Nelson, Barnes	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Kamrath	Olson	Thorson

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fine	Johnson	Trout
Hulteng		

So the bill passed and the title was agreed to.

Senator Magoffin moved that the vote by which Senate Bill No. 88 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

## MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 5, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bill:

Senate Bill No. 88. A Bill for an Act Making Unlawful Certain Discriminations in Price, in Services or Facilities Furnished, or in Payment for Services or Facilities to Be Rendered, in Connection with the Sale of Commodities in the Course of Trade or Commerce, and Providing Certain Remedies for Violation.

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

Very respectfully,

THOMAS McDONALD,  
Secretary,

## SECOND READING OF SENATE BILLS

Senate Bill No. 97. A Bill for an Act to Provide for the Collection of Delinquent Taxes Levied and Assessed Upon Real and/or Personal Property from the Rents, Issues and Income Thereof by Means of Receivership. Repealing All Acts or Parts of Acts in Conflict Therewith 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, 30; nays, 16; absent and not voting 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Gronvold	Owings
Bilden	Guthrie	Skarvold
Brostuen	Kolpin	Strehlow
Cain	Kroeber	Streibel
Coffey	Lowe	Thatcher
Crandall	Lynn	Trout
Drew	Magoffin	Vinje
Ettestad	McGillie	Whelan
Fowler	Mutchler	Wog
Fredrickson	Nelson, Barnes	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Lemke	Stucke
Gilbertson	Lian	Thorson
Greene	Morrison	Topp
Guenther	Nelson, Grand Fks.	Watt

Messrs.	Messrs.	Messrs.
Kamrath	Olson	Williams
Lavik		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fine	Hulteng	Johnson

So the bill passed and the title was agreed to.

Senator Lynn moved that the vote by which Senate Bill No. 97 was passed be reconsidered and the motion to reconsider be laid on the table.

Roll Call demanded and granted.

#### ROLL CALL

The question being on motion of Senator Lynn, the roll was called and there were ayes, 23; nays, 22; absent and voting 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Gronvold	Nelson, Barnes
Brostuen	Guthrie	Strehlow
Cain	Kolpin	Thatcher
Coffey	Kroeber	Trout
Crandall	Lynn	Vinje
Drew	Magoffin	Whelan
Fowler	McGillic	Wog
Fredrickson	Mutchler	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Bilden	Lian	Streibel
Blaisdell	Lowe	Stucke
Gilbertson	Morrison	Thorson
Greene	Nelson, Grand Fks.	Topp
Guenther	Olson	Watt
Kamrath	Owings	Williams
Lavik	Skarvold	Young
Lemke		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Ettestad	Hulteng	Johnson
Fine		

So the clincher motion was declared carried.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 5, 1937.

Mr. Speaker: I have the honor to transmit:

Senate Bill No. 97. A Bill for an Act to Provide for the Collection of Delinquent Taxes Levied and Assessed Upon Real and/or Personal Property from the Rents, Issues and Income Thereof by Means of Receivership. Repealing All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

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

Very respectfully,

THOMAS McDONALD,  
Secretary.

### SECOND READING OF SENATE BILLS

Senate Bill No. 94. A Bill for an Act Providing for the Granting of Concessions in State, County, and Municipal Public Buildings and the Grounds Adjacent Thereto, for Cafes, Restaurants, and Confectionaries; and, Providing for the Leasing, Renting, and Licensing of Such Public Concessions, and Making it Unlawful for Any State Official, County Official, Municipal Official, and Any Commission or Board Thereof, to Let Anyone Have the Use and Benefits of Any Such Concessions Without Having Complied With the Provisions of This Act, and Providing a Penalty Therefor; and Making This Act an Emergency Measure.

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, 33; nays, 13; absent and not voting 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kolpin	Owings
Blaisdell	Kroeber	Strehlow
Cain	Lavik	Streibel
Coffey	Lian	Topp
Crandall	Lowe	Trout
Drew	Lynn	Vinje
Ettestad	Magoffin	Watt
Fowler	McGillic	Whelan
Fredrickson	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Bilden	Kamrath	Skarvold
Brostuen	Lemke	Stucke
Gilbertson	Morrison	Thatcher
Greene	Olson	Thorson
Guthrie		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fine	Hulteng	Johnson

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

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
February 5, 1937.

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

HOUSE CONCURRENT RESOLUTION "F."

Also,

HOUSE CONCURRENT RESOLUTION "P."

Which the Speaker has signed and your signature is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

Senator Cain requested that the Senate return to the 7th order of business, which request was granted.

Senator Cain moved that Senate Bill No. 126 be re-referred to the Committee on Elections, which motion prevailed.

Senator Coffey requested that the Senate return to the 5th order of business, which request was granted.

#### REPORT OF STANDING COMMITTEES

The Committee on Insurance made the following report:

Mr. President: Your Committee on Insurance to whom was referred Senate Bill No. 119, have had the same under consideration and recommend that the same be amended as follows:

In lines 28 and 29, Section 4, page 3 of the printed bill, strike out the words and figures "five hundred dollars (\$500.00)" and insert in lieu thereof the words and figures "two hundred fifty dollars (\$250.00)".

In lines 12 and 13 of Section 19, page 11 of the printed bill, strike out the words and figures "five hundred dollars (\$500.00)" and insert in lieu thereof the words and figures "two hundred fifty dollars (\$250.00)".

And when so amended recommend that the same do pass.

GEORGE V. COFFEY,  
Chairman.

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

#### FIRST READING OF HOUSE BILLS

House Bill No. 105. A Bill for an Act to Amend and Re-enact Section 1151 of the Compiled Laws of 1913, as Amended and Re-enacted by Chapter 237, Session Laws of 1927, Relating to Election of Officers of Common School Districts, and Prescribing Qualifications Therefor.

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

House Bill No. 54. A Bill for an Act Prohibiting the Marriage of Minors Under the Supervision of the Juvenile Court or State Training School, Without Order of the Juvenile Court.

Was read the first time and referred to the Committee on Women's and Children's Welfare.

House Bill No. 104. A Bill for an Act to Amend and Re-enact Section 1265 of the Compiled Laws of 1913, Relating to Candidates and the Official Ballot at Elections in Special School Districts.

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

House Bill No. 40. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Penitentiary.

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

House Bill No. 45. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items of the School for the Deaf at Devils Lake, North Dakota.

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

House Bill No. 145. A Bill for an Act Providing for a Transfer of Certain School Lands Situated in Bottineau County, State of North Dakota, with the Buildings Thereon, to the State Historical Society to Be Used and Maintained as a Part of the State Public Park System, and Providing for an Appropriation to Reimburse the Permanent School Fund of the State.

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

## SECOND READING OF HOUSE BILLS

House Bill No. 76. A Bill for an Act Making an Emergency Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the Motor Vehicle Registration Department.

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, 38; nays, 3; absent and not voting, 8.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kolpin	Skarvold
Brostuen	Kroeber	Streibel
Cain	Lavik	Strehlow

Messrs.	Messrs.	Messrs.
Coffey	Lemke	Stucke
Drew	Lian	Thatcher
Ettestad	Lowe	Topp
Fowler	Lynn	Vinje
Fredrickson	Magoffin	Watt
Greene	Morrison	Whelan
Gronvold	Mutchler	Williams
Guenther	Nelson, Barnes	Wog
Guthrie	Nelson, Grand Fks.	Young
Kamrath	Owings	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Olson	Trout

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Gilbertson	McGillic
Crandall	Hulteng	Thorson
Fine	Johnson	

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

House Bill No. 19. A Bill for an Act to Provide for the Distribution of all Moneys Received From the Treasury of the United States, Under the Provisions of the Act of Congress of February 25, 1920 (Public Number 146) to Place the Same in the State Equalization Fund of the State of North Dakota, and to Be Distributed as Provided by Chapter 260 of the Laws of the State of North Dakota for 1935.

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, 7.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Olson
Bilden	Kolpin	Owings
Blaisdell	Kroeber	Skarvold
Brostuen	Lavik	Strehlow
Cain	Lemke	Streibel
Coffey	Lian	Thatcher
Drew	Lowe	Topp
Ettestad	Lynn	Trout
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Watt
Greene	Morrison	Whelan
Gronvold	Mutchler	Williams
Guenther	Nelson, Barnes	Wog
Guthrie	Nelson, Grand Fks.	Young



Absent and not voting:

Messrs.	Messrs.	Messrs.
Crandall	Hulteng	Stucke
Fine	Johnson	Thorson
Gilbertson		

So the bill passed and the title was agreed to.

House Bill No. 17. A Bill for an Act to Authorize the Board of County Commissioners of the Counties in the State of North Dakota, to Make, Execute and Deliver, on Behalf of the County, Leases and Other Contracts for the Purpose of Mining, and Operating for Oil and Gas, Lay Pipe Lines, and for Establishing and Maintaining Tanks, Power Stations and Structures Thereon, to Produce, Save, Sell and Take Care of Said Products, Together with Power and Authority to Include in the Provisions of Said Leases Any and All Provisions Which Would Be Within the Power of an Individual owner to Make, With Certain Limitations, and Providing for the Distribution of Moneys Received from Said Leases.

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, 0; absent and not voting, 9.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Nelson, Grand F'ks.
Bilden	Kolpin	Olson
Blaisdell	Kroeber	Owings
Brostuen	Lavik	Skarvold
Cain	Lemke	Strehlow
Coffey	Lian	Streibel
Drew	Lowe	Thatcher
Ettestad	Lynn	Topp
Fowler	Magoffin	Trout
Fredrickson	McGillic	Vinje
Greene	Morrison	Watt
Gronvold	Mutchler	Whelan
Guenther	Nelson, Barnes	Wog
Guthrie		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Crandall	Hulteng	Thorson
Fine	Johnson	Williams
Gilbertson	Stucke	Young

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

The Secretary announced the President was about to sign House Bill No. 13, Senate Bill No. 1, Senate Bill No. 8, House Concurrent Resolution "P" and House Concurrent Resolution "F".

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

#### COURTESIES OF THE FLOOR

The courtesies of the floor were extended to:

Ed Stoa, Arthur Brend, Mayville; Oscar Temsith, Grand Forks; O. M. Smith, Galesburg; Williard Chase, Williston; Mrs. Sadie Will, Mrs. A. Sullivan, Stanley; W. H. Otten, Grand Forks; Ed Hartung, Sherwood.

Senator Streibel moved that the Senate do now adjourn.

Which motion prevailed.

The Senate stood adjourned.

THOMAS McDONALD,  
Secretary.

THIRTY-THIRD DAY

Senate Chamber,  
Bismarck, North Dakota,  
February 6, 1937.

The Senate convened at 2:00 p. m., pursuant to adjournment, the President presiding.

Prayer by the Chaplain, Captain Frank H. Larson, Mandan.

Roll Call: All members present except Senators Cain, Hulteng, Johnson and Lynn.

Senator Greene moved the absent Senators be excused.

Which motion prevailed.

MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 6, 1937.

Mr. Speaker: I have the honor to return herewith the following resolutions:

HOUSE CONCURRENT RESOLUTION "P"

Also,

HOUSE CONCURRENT RESOLUTION "F"

Which the President has signed.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 6, 1937.

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

Senate Bill No. 100. A Bill for an Act to Amend Section

3696a of the Supplement to the Compiled Laws of 1913, Relating to Liability of Municipalities for Injuries Caused by Accumulation of Frost, Snow, Ice or Sleet on Public Sidewalks, Crosswalks, Streets, Alleys or Other Public Ways and Exempting Municipalities from Liability for Injuries to Person or Property Occurring in Whole or in Part Upon State or National Highways Within Such Municipalities.

Also.

Senate Bill No. 108. A Bill for an Act Requiring an Appropriation by the Legislature, Before Any Expenditure Can Be Made or Liability Incurred for Advertising by the State, or Any of Its Institutions, Departments or Enterprises.

Also,

Senate Bill No. 78. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the Game and Fish Department.

Also,

Senate Bill No. 86. A Bill for an Act Providing for the Extermination of Bots in Horses and Mules; Defining Bot Treatment; Prescribing the Duties of Township Boards When Petitioned.

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

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 6, 1937.

Mr. Speaker: I have the honor to return:

House Bill No. 30. A Bill for an Act Making a Special Appropriation for the General Maintenance, Improvements and Repairs and Equipment for the New Addition to the Infirmary of the State Tuberculosis Sanatorium at San Haven, North Dakota, from April 1, 1937, to June 30, 1937, and Declaring an Emergency.

Also,

House Bill No. 32. A Bill for an Act to Amend and Re-enact Section 1 and 2 of Chapter 195 of the Session Laws for 1935, Relating to Funding and Refunding Existing Indebtedness of Municipalities, and Declaring an Emergency.

Which the Senate has passed unchanged.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 6, 1937.

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

Senate Bill No. 1. A Bill for an Act Providing for the Organization of Farmers State Mutual Fire and Lightning Reinsurance Companies, and Repealing all Acts and Parts of Acts in Conflict Herewith.

Also,

Senate Bill No. 8. A Bill for an Act Making an Appropriation for the Glanders and Dourine Indemnity Fund; and Declaring an Emergency.

Which the President has signed and your signature is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 6, 1937.

Mr. Speaker: I have the honor to return herewith the following bill:

House Bill No. 13. A Bill for an Act to Amend and Re-enact Section 4547 of the Compiled Laws of North Dakota for the Year 1913.

Which the President has signed.

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
February 6, 1937.

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

#### HOUSE CONCURRENT RESOLUTION "E"

Which the Speaker has signed and your signature is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 6, 1937.

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

House Bill No. 75. A Bill for an Act to Amend and Re-enact Section 6077 of the 1913 Compiled Laws of the State of North Dakota as Amended and Re-enacted by Chapter 158 of the Session Laws of 1935 Relating to the Rate of Interest to Be Allowed on Judgments.

Which the Speaker has signed and your signature is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 6, 1937.

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

House Bill No. 41. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State School for the Blind at Bathgate, North Dakota.

Also,

House Bill No. 42. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the Department of the Registrar of Motor Vehicles.

Also,

House Bill No. 112. A Bill for an Act to Prohibit the Operating of Motion Picture Theaters Which Are Owned, Controlled, Managed, or Operated, in Whole or in Part, by Producers or Distributors of Motion Picture Films, or in Which Such Producers or Distributors Have Any Interest.

Also,

House Bill No. 133. A Bill for an Act to Amend and Re-enact Section 1190 of the 1925 Supplement to the 1913 Compiled Laws of the State of North Dakota, as the Same Was Amended by Chapter 243 of the 1927 Session Laws of the State, Relating to Consolidation of Schools and Transportation of Pupils; and Repealing Certain Acts in Conflict.

Also,

House Bill No. 39. A Bill for an Act Providing for the Regulation of Roving Grain Buyers, Other Than Public Warehouses or Public Warehousemen and Track Buyers, and Defining Who Are Such Roving Grain Buyers; Act Not

Amicable to Whom; License and Bond Required; Powers and Duties of Railroad Commission; Granting the Board of Railroad Commissioners Power to Make Rules and Regulations Governing the Business of Roving Grain Buyers; Records Required by Dealers; Appropriating the Fees Collected to the Use of the Board of Railroad Commissioners for the Administration and Enforcement of the Act; Penalty for Violation of Act.

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

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 6, 1937.

Mr. President: I have the honor to return herewith the following bill:

Senate Bill No. 14. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the State Historical Society.

Which the House has passed unchanged.

Very respectfully,

MINNIE D. CRAIG,  
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 Thirty-third Day and recommend that the same be corrected as follows:

On page 420, line 22, strike out the figures "32" and insert the figures "22".

And when so corrected recommend that the same be approved.

C. C. MORRISON,  
Chairman.

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

#### PETITIONS AND COMMUNICATIONS

The following petitions and communications were received, read from the desk, and referred to the appropriate committees:

A resolution adopted by the united patriotic bodies of the City of Fargo urging the defeat of House Bill No. 36, forwarded by Hilda Thorson, President of the Veterans of Foreign Wars Auxiliary.

A communication from the Farmers Union Local No. 1015, Walburg Township, Chaffee, North Dakota, urging legislation abolishing military training, providing adequate appropriations for continuance of high school correspondence course work, and homestead exemption and graduated land tax laws.

#### REPORTS OF STANDING COMMITTEES

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 73, have had the same under consideration and recommend that the same be amended as follows:

In line 3 of the printed Bill, strike out the figures "\$241,843.00" and insert in lieu thereof the figures "\$215,240.00".

In line 13, strike out "10%" and strike out the figures "16,413.00" and insert in lieu thereof the figures "5,000.00".

In line 17, strike out the figures "4,000.00" and insert in lieu thereof the figures "3,000.00".

In line 19, correct the spelling of the word "Printing," and strike out the figures "3,000.00" and insert in lieu thereof the figures "2,000.00".

In line 21, strike out the figures "3,000.00" and insert in lieu thereof the figures "2,500.00".

In line 22, strike out the figures "4,000.00" and insert in lieu thereof the figures "3,500.00".

In line 23, strike out the figures "3,500.00" and insert in lieu thereof the figures "3,000.00".

In line 25, strike out the figures "4,000.00" and insert in lieu thereof the figures "3,500.00".

In line 29, strike out the figures "1,200.00" and insert in lieu thereof the figures "10,000.00".

In line 35, strike out the figures "4,000.00" and insert in lieu thereof the figures "3,000.00".

In line 37, correct the total after "TOTAL MAINTENANCE" by striking out the figures "\$477,645.00" and insert in lieu thereof the figures "\$470,032.00."

Correct the figures after "NET MAINTENANCE" in line 40, by striking out the figures "\$117,645.00" and insert in lieu thereof the figures "\$110,032.00".

In line 44, strike out the words "Boiler House" and the figures "28,000.00" and insert in lieu thereof the following words and figures: "Addition to Coal Storage, \$3,500.00; Ash Conveyor, \$4,200.00; Well, \$2,000.00; Radiator Guards, \$2,000.00; Total, \$11,700.00," and renumber the lines.

In line 58, strike out the figures "6,198.00" and insert in lieu thereof the figures "5,508.00".



In line 59, after "Purchase of Land," add the following words in parenthesis: "(SW $\frac{1}{4}$ -SW $\frac{1}{4}$ , Sec. 13, and E $\frac{1}{2}$ -SE $\frac{1}{4}$ , Sec. 14, T. 157, R. 53 West)". Strike out the figures "6,000.00" and insert in lieu thereof the figures "4,000.00". Below this line add the following words in parenthesis: "(together with \$2,200.00 now on deposit at the Bank of North Dakota to the credit of the Grafton State School from a previous sale of land.)"

In line 61, correct the total by striking out the figures "\$241,843.00" and insert in lieu thereof the figures "\$215,240.00".

And when so amended recommend that the same do pass.

B. W. LEMKE,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 74, have had the same under consideration and recommend that the same be amended as follows:

In line 3 of the printed Bill, strike out the figures "\$301,677.00" and insert in lieu thereof the figures "\$279,127.00".

In line 16, strike out the figures "3,000.00" and insert in lieu thereof the figures "2,500.00".

In line 20, strike out the figures "3,000.00" and insert in lieu thereof the figures "2,500.00".

In line 22, strike out the figures "5,000.00" and insert in lieu thereof the figures "3,500.00".

In line 23, strike out the figures "6,700.00" and insert in lieu thereof, the figures "6,000.00".

In line 24, strike out the figures "3,500.00" and insert in lieu thereof the figures "2,500.00".

In line 25, strike out the figures "7,000.00" and insert in lieu thereof the figures "4,500.00".

In line 30, strike out the figures "15,000.00" and insert in lieu thereof the figures "10,000.00".

In line 34, strike out the figures "8,000.00" and insert in lieu thereof the figures "7,000.00".

In line 36, correct the total after "TOTAL MAINTENANCE" by striking out the figures "\$264,577.00" and insert in lieu thereof the figures "\$251,877.00".

In line 39, correct the figures by striking out "\$249,077.00" and insert in lieu thereof the figures "\$236,377.00".

In line 41, strike out the figures "2,000.00" and insert in lieu thereof the figures "1,000.00".

In line 42, strike out the figures "5,000.00" and insert in lieu thereof the figures "1,000.00".

In line 43, strike out the figures "3,000.00" and insert in lieu thereof the figures "2,000.00".

In line 45, strike out the figures "1,500.00" and insert in lieu thereof the figures "2,500.00".

Strike out all of line 44 and renumber all the following lines and following items.

In line 47, strike out the word "Two" and the figures "5,000.00" and insert in lieu thereof the figures "3,500.00".

Strike out all of line "50".

In line 56, strike out the figures "6,000.00" and insert in lieu thereof the figures "5,000.00".

Correct the total in line 65 by striking out the figures "\$301,677.00" and insert in lieu thereof the figures "\$279,127.00".

And when so amended recommend the same do pass.

B. W. LEMKE,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 75, have had the same under consideration and recommend that the same do pass.

B. W. LEMKE,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 99, have had the same under consideration and recommend that the same be amended as follows:

In line 3 of the printed bill and line 4, strike out the words "Thirty Thousand Dollars" and the figures "\$30,000.00" and insert in lieu thereof the words and figures "Twenty-one Thousand Dollars (\$21,000.00)".

In line 16 strike out the words "Five Thousand Dollars" and insert in lieu thereof the words "Twenty-five Hundred Dollars".

In line 17 strike out the figures "\$5,000.00" and insert in lieu thereof the figures "\$2,500.00".

Strike out all of paragraph "1b" or lines 18, 19, 20 and 21, and renumber the following lines and paragraphs.

In line 30 strike out the words "Seven Thousand Dollars" and insert in lieu thereof the words "Thirty-five Hundred Dollars".

In line 31, strike out the figures "\$7,000.00" and insert in lieu thereof the figures "\$3,500.00".

And when so amended recommend the same do pass.

B. W. LEMKE,  
Chairman.

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

The Committee on Taxes and Tax Laws made the following report:

Mr. President: Your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 101, have had the same under consideration and recommend that the same do pass.

J. K. BROSTUEN,  
Chairman.

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

The Committee on Railroads made the following report:

Mr. President: Your Committee on Railroads to whom was referred Senate Bill No. 117, have had the same under consideration and recommend that the same be amended as follows:

In the title of the printed bill in line 4, after the word "life" strike out the comma and insert the word "and". Strike out the comma after the word "health" and also strike out the words "safety and welfare" in line 5.

In line 6 of the title of the printed bill, after the word "corporations" insert the words "furnishing transportation".

In line 7 of the title of the printed bill, after the word "jurisdiction" insert the following language "providing penalties and".

In line 5, Section 1, of the printed bill, after the second word "and" insert the following: "make, administer and enforce".

In line 6 of the printed bill, Section 1, strike out the words "to be safe" and insert in lieu thereof the words "to be healthful and sanitary".

In line 7, Section 1, of the printed bill, strike out the comma after the word "life" and insert the word "and", and strike

out the comma after the word "health" and also the words "safety and welfare".

In line 9, Section 1, of the printed bill, after the word "employment" insert the following: "so far as the same is affected by heat, light, ventilation, water and sanitation".

In line 11, Section 1, of the printed bill, after the word "corporations" insert the words "furnishing transportation".

Strike out all of Section 2 and insert the following in lieu thereof: "The Board of Railroad Commissioners shall enforce all the provisions of this Act. It shall be the duty of said Board to make and publish rules and regulations after due notice given and hearing had, as may be necessary and proper to enforce the provisions of this Act. Said Board is hereby vested with full and complete authority to enforce the provisions of this Act and all rules and regulations established and promulgated by said Board under the provisions hereof.

"Any person, firm or corporation who shall violate any of the provisions of this Act or any of the rules and regulations legally promulgated and established by said Board under this Act shall be guilty of a misdemeanor and shall be punished by fine of not exceeding five hundred dollars (\$500.00) for each offense; provided, however, that no prosecution shall be commenced until the party complained against shall have been given thirty days' notice by the Board of Railroad Commissioners to comply with the provisions of this Act and with the rules and regulations promulgated and established by Said Board under this Act."

Strike out all of Section 3 and renumber Section 4 as Section 3.

And when so amended recommend that the same do pass.

A. W. FOWLER,  
Chairman.

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

The Committee on Railroads made the following report:

Mr. President: Your Committee on Railroads to whom was referred Senate Bill No. 157, have had the same under consideration and recommend that the same be amended as follows:

In the title of the printed bill, after the word "Act," insert the following: "amending and re-enacting sub-division (a) of Section 4609c14 of the Supplement to the Compiled Laws of 1913."

In Section 1, line 1, of the printed bill, after the word "That," insert the following "sub-division (a)," and strike out the figures "1925" and strike out the figures "1913" in line 2, and insert the word and figures "of 1913" after the word "Laws," and strike out the language "of the State of North Dakota."

In line 10 of the printed bill, after the figures "4809c14," place the letter "(a)".

And when so amended recommend the same do pass.

A. W. FOWLER  
Chairman.

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

The Committee on Taxes and Tax Laws made the following report:

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

J. K. BROSTUEN,  
Chairman.

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

The Committee on Taxes and Tax Laws made the following report:

Mr. President: Your Committee on Taxes and Tax Laws to whom was referred House Bill No. 73, have had the same under consideration and recommend that the same do pass.

J. K. BROSTUEN,  
Chairman.

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

The Committee on State Affairs made the following report:

Mr. President: Your Committee on State Affairs to whom was referred House Bill No. 78, have had the same under consideration and recommend that the same be amended as follows:

On page 2, line 6, of Section 2 of the engrossed bill, strike out the word "permit" and insert in lieu thereof the word "license."

At the end of Section 1 following the period after the word "state," add the following: "The Public Contractor's license as herein provided, shall not be required within the sixty (60) day period immediately following the taking effect of this Act, and the license fee required hereby to be paid by Public Contractors in the several classes for the balance of the calendar year 1937, shall be two-thirds of the amount of fee fixed hereby for an original license for such class for a calendar year."

On page 3, at the end of Section 4 of the engrossed bill, and immediately preceding Section 5, insert the following:

"Any applicant refused a license by the Registrar shall have the right of appeal from such refusal, to the District Court of Burleigh County, North Dakota."

On page 3, in Section 5, in lines 7, 8 and 9 of the engrossed bill, strike out the following language "subject however, to such pre-qualification requirements as imposed by the public body or bodies referred to in Section 1 (c) hereof."

Strike out the period in Section 5, line 3, of the engrossed bill, insert a semi-colon, and add the following language: "subject however, to such pre-qualifications requirements as imposed by the public body or bodies referred to in Section 1 (c) hereof."

In Section 6 of the engrossed bill, strike out the words and figures "sixty (60)" in the two places where they occur in said Section 6, and insert in lieu thereof the words and figures "thirty (30)."

And when so amended, 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.

#### 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. 130. A Bill for an Act for the Judicial Notice of the Laws of Other Jurisdictions and for Proof Thereof and to Make Uniform the Law With Reference Thereto.

Also,

Senate Bill No. 22. A Bill for an Act Amending and Re-enacting Section 714a13, Supplement to the Compiled Laws of 1913 as Amended by Chapter 227 of the Session Laws for the Year 1927, and as Further Amended by Chapter 222 of the Session Laws of 1931.

And find the same correctly engrossed.

WILLIAM KROEBER,  
Chairman.

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

Senator Vinje moved that Senate Bill No. 141 be re-referred to the Committee on Women's and Children's Welfare.

Which motion prevailed.

Senator Young moved that Senate Bill No. 128 be referred to the Committee on Appropriations.

Which motion prevailed.

Senator Gilbertson moved that further consideration of House Bill No. 68 be deferred one legislative day.

Which motion prevailed.

Senator Coffey moved that further consideration of Senate Bill No. 107 be deferred one legislative day.

Which motion prevailed.

Senator Ettestad requested an extension of time on Senate Bill No. 121.

Which request was granted.

Senator Wog requested an extension of time on Senate Bills No. 24 and 79.

Which request was granted.

#### FIRST READING OF SENATE BILLS

Senators Cain and Fredrickson introduced:

Senate Bill No. 162. A Bill for an Act to Cancel All Interest and Penalty, Levied and Assessed Against Delinquent Real Estate Taxes and Providing for Redemption of Real Estate Sold or Forfeited to the County for the Years 1935, and all Prior Years, and Still Held by the County, Without Paying Interest or Penalty, if Said Taxes Are Paid During the Year 1937; Repealing All Acts in Conflict Herewith.

Was read the first time and referred to the Committee on Taxes and Tax Laws.

Senators Blaisdell, Lynn, Bilden, Whelan and Stucke introduced:

Senate Bill No. 163. A Bill for an Act Providing for the Taxation of Gasoline Sold or Purchased for the Purpose of Operating and Propelling Airplanes and Aircraft, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Was read the first time and referred to the Committee on Taxes and Tax Laws.

Senators Thatcher, Vinje, Blaisdell, and Fredrickson introduced:

Senate Bill No. 164. A Bill for an Act Making an Appropriation for Constructing a Library Building, Furnishing and Equipping the Same at the State Normal School at Valley City, North Dakota, Providing a Substantial Sum is Obtained From the Federal Government or Any of Its Agencies, to Aid in the Construction, Furnishing and Equipping Said Building.

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

Senators Thatcher, Vinje, Blaisdell and Fredrickson introduced:

Senate Bill No. 165. A Bill for an Act Making an Appropriation for Constructing a Physical Education Building, Furnishing and Equipping the Same at the State Normal School at Minot, North Dakota, Providing a Substantial Sum is Obtained From the Federal Government or Any of Its Agencies, to Aid in the Construction, Furnishing and Equipping Said Building.

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

Senator Lynn introduced:

Senate Bill No. 166. A Bill for an Act to Amend and Re-enact Section 3655 of the Compiled Laws of North Dakota for 1913, to Provide for a Constitutional Method of Appeal to the District Court From the Court of the Police Magistrate of Cities in the State of North Dakota in Actions Arising Under the Ordinances of Said City, and Repealing All Acts and Parts of Acts in Conflict Therewith.

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

Senator Cain introduced:

Senate Bill No. 167. A Bill for an Act to Amend and Re-enact Section 1 of Chapter 236 of the Session Laws of the State of North Dakota for the Year 1933, Relating to Common School Transportation; and Declaring an Emergency.

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

Senators Blaisdell, Lynn, Bilden, Whelan and Stucke introduced:

Senate Bill No. 168. A Bill for an Act to Create, Define and Establish "Airmen's Association of the State of North Dakota," Providing for the Creation of a Fund for the Use of Said Association to be Known as "Airmen's Aviation Fund."

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

Senators Brostuen and Cain introduced:

Senate Bill No. 169. A Bill for an Act to Provide for the Protection of Prehistoric Deposits, Relics, Indian Mounds, Graves, Village Sites, and Other Archaeological Material. To Provide for Licensing Persons Engaged in Exploring and Excavating for Ancient Ruins and Archaeological Material and Providing a penalty for violations.

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

Senators Lavik, Topp, Skarvold, Young and Lemke introduced:



Senate Bill No. 170. A Bill for an Act to Impose a Tax Upon Dogs, Providing for Assessment, Levy and Collection Thereof; Providing for the Issuance of License Tags for All Dogs Upon Which Said Tax Is Assessed; Providing for the Determination and Payment of Losses from Tax Collected Thereunder to the Owners of Livestock or Poultry Damaged by Dogs, Wolves, or Coyotes; Providing for the Killing of Dogs, Wolves, or Coyotes in Certain Cases; Providing for the Hearing and Appeal; Imposing Powers and Duties on Certain County Officers and Employees, and Providing Penalties for the Violation of This Act. Repealing All Acts or Parts of Acts in Conflict Herewith and Declaring an Emergency.

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

Senators Thatcher, Vinje, Blaisdell and Fredrickson introduced:

Senate Bill No. 171. A Bill for an Act Making an Appropriation for Constructing a Physical Educational Building, Furnishing and Equipping the Same at the School of Forestry at Bottineau, North Dakota, Providing a Substantial Sum Is Obtained from the Federal Government or Any of Its Agencies, to Aid in the Construction, Furnishing and Equipping Said Building.

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

Senators Thatcher, Vinje, Blaisdell and Fredrickson introduced:

Senate Bill No. 172. A Bill for an Act Making an Appropriation for Constructing a Library Building, Furnishing and Equipping the Same at the State Normal School at Mayville, North Dakota, Providing a Substantial Sum Is Obtained From the Federal Government or Any of Its Agencies, to Aid in the Construction, Furnishing and Equipping Said Building.

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

The Committee on Banks and Banking introduced:

Senate Bill No. 173. A Bill for an Act Amending and Re-enacting Section 30, of Chapter 96, of the Session Laws of the State of North Dakota for the Year 1931, Relating to Reserve Funds of State Banking Associations.

Was read the first time and referred to the Committee on Banks and Banking.

Senator Guthrie introduced:

Senate Bill No. 174. A Bill for an Act Making an Appropriation to Reimburse the City of Bismarck for Costs Incurred in Constructing a Sewerage System from the State Penitentiary to the City of Bismarck System of Sewerage.

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

Senator Mutchler introduced:

Senate Bill No. 175. A Bill for an Act to Amend an Re-enact Section 1373, Session Laws of 1911, Chapter 266.

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

Senator Fine introduced:

Senate Bill No. 176. A Bill for an Act to Amend and Re-enact Section 1370, Session Laws of 1911, Chapter 266, as Amended by Chapter 239, Session Laws of 1927.

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

Senator Fine introduced:

Senate Bill No. 177. A Bill for an Act to Amend and Re-enact Section 1376, Session Laws of 1911, Chapter 266.

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

Senator Crandall introduced:

Senate Bill No. 178. A Bill for an Act Making an Appropriation for Improvements and Repairs at the North Dakota Soldiers' Home at Lisbon, North Dakota.

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

The Committee on Agriculture and Livestock introduced:

Senate Bill No. 179. A Bill for an Act to Provide for the Conservation, Protection, Improvement and Profitable Use of Agricultural Land Resources of the State of North Dakota and for Co-operation with the Governments and Agencies of Other States and of the United States Pursuant to the Provisions of Section 7 of an Act of the Congress of the United States Known as the Soil Conservation and Domestic Allotment Act, to Assent to and Accept the Provisions of Said Act; and, in Conformity With the Provisions of Said Act, to Designate and Authorize the North Dakota Agricultural College, Extension Service as the State Agency of This State in Conformity With Such Provisions, to Formulate, Submit to the Secretary of Agriculture of the United States, and Administer, State Plans to Carry Out the Provisions of This Act, to Define the Powers and Duties of Said State Agency, to Provide for State Committee and Otherwise to Provide for the Administration of This Act.

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

Senators Coffey, Young, Fredrickson, Cain, Fowler, Nelson

(Grand Forks), Brostuen, Stucke, Skarvold, Thatcher, Whelan, Vinje, Lian, Nelson (Barnes), Crandall, Lavik, Johnson, Bilden, Strehlow and Watt introduced:

Senate Bill No. 180. A Bill for an Act Providing for a Compact Between the States of Minnesota, South Dakota and North Dakota, Authorizing the Creation of a Tristate Waters Commission With Power to Supervise the Utilization and Control of the Waters of That Portion of the Drainage Basin of the Red River of the North Lying Within Minnesota, South Dakota and North Dakota.

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

Senators Kolpin and Lian introduced:

Senate Bill No. 181. A Bill for an Act to Amend and Re-enact Section 4 of Chapter 193 of the 1933 Session Laws Relating to the Appointment of a Manager and Other Employees of the State Mill and Elevator.

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

Senator Strehlow introduced:

Senate Bill No. 182. A Bill for an Act Relating to the Public Health and to the Local Control of Preventable Diseases; and to Authorize and Permit the Several Counties of the State of North Dakota, Either Separately or in Conjunction and Cooperation With One or More Contiguous Counties; to Establish and Maintain Full Time Local Health Departments in Cooperation With and Under the Direction of the State Department of Health; Provide for the Appointment of Local Boards of Health, a Full Time Local Health Officer and the Necessary Personnel of Local Health Units or Districts; Providing a Health Fund; Prescribing the Qualifications of the Health Officer and the Personnel of the Local Health Unit or District; and Providing for Their Compensation; Authorizing Local Boards of Health Organized Hereunder to Make Rules and Regulations Governing Matters Relating to the Public Health of Local Health Units or Districts and to the Control of Preventable Diseases Therein.

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

The Committee on Taxes and Tax Laws introduced:

Senate Bill No. 183. A Bill for an Act to Authorize and Empower the Public Welfare Board to Borrow Money from the Bank of North Dakota, and Declaring an Emergency.

Was read the first time and referred to the Committee on Taxes and Tax Laws.

The Committee on Banks and Banking introduced:

SENATE RESOLUTION "N," "Requesting Congress to

so amend the federal law as to permit states to tax national banks, provided the tax on such banks shall not be at a higher rate than the tax imposed by the state upon state banks."

Senator Strehlow moved that the rules be suspended, and that Senate Resolution "N" be adopted, which motion prevailed, and Senate Resolution "N" was adopted.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota.  
February 6, 1937.

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

Senate Bill No. 1. A Bill for an Act Providing for the Organization of Farmers State Mutual Fire and Lightning Reinsurance Companies, and Repealing all Acts and Parts of Acts in Conflict Herewith.

Also,

Senate Bill No. 8. A Bill for an Act Making an Appropriation for the Glanders and Dourine Indemnity Fund; and Declaring an Emergency.

Which the Speaker has signed.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 137. A Bill for an Act Vesting in and Imposing Upon the State Welfare Board Additional Powers and Duties, Repealing Sections 283b6 and 283b7, Supplement to the Compiled Laws, 1913, 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, 5; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Owings
Blaisdell	Kamrath	Strehlow
Brostuen	Kolpin	Streibel
Coffey	Kroeber	Stucke
Crandall	Lavik	Thorson
Drew	Lemke	Topp
Ettestad	Lian	Trout
Fine	Lowe	Vinje
Fowler	Magoffin	Watt

Messrs.	Messrs.	Messrs.
Fredrickson	McGillic	Whelan
Gilbertson	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Bilden	Morrison	Skarvold
Greene	Olson	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Cain	Johnson	Thatcher
Hulteng	Lynn	

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

#### SEVENTH ORDER OF BUSINESS

A message from the Governor was read from the desk.

Senator Brostuen moved that the message from the Governor be printed in the Journal, which motion prevailed.

State of North Dakota

#### OFFICE OF THE GOVERNOR

Bismarck

February 6, 1937.

To the Members of the Senate, Twenty-Fifth Legislative Assembly.

Gentlemen:

The extreme cold weather, heavy snow and blocked roads which we had feared, are now here, bringing with them real emergent need for food, clothing, fuel and feed for livestock. Reports by the hundreds directed to me indicate definitely that people are desperately hard up and are suffering for the lack of the necessities of life.

These conditions prompt me to urge your immediate consideration of appropriations necessary to prevent suffering, want and destitution.

I therefore recommend that the appropriation bills which are being introduced today be passed immediately. This action is necessary to enable the Public Welfare Board to plan definitely and to know what monies will be available for relief purposes, thus permitting the Board to make grants to the County Welfare Boards in sufficient amounts and at such times as will meet the emergency.

More and more Counties are exhausting their own resources, and are finding it impossible to provide their share of funds on the present basis of allotment established by the Public Welfare Board.

I urgently recommend the immediate appropriation of \$3,000,000 for general relief. \$1,000,000 of this amount is needed to help the County Welfare Boards for the period ending June 30th, 1937.

The Public Welfare Board estimates that \$2,000,000 will be sufficient for the biennium ending 1939, provided there is a profitable crop in 1937.

The appropriation requested by the Public Welfare Board for the purpose of providing the State's share of Old Age Assistance, Aid to Dependent Children, Aid to the Blind and for providing Child Welfare Services and for Services to Crippled Children in cooperation with the Federal Government and the various counties, is required to enable the State to receive Federal aid under the Social Security program. Without this comprehensive program the aged, the blind, the crippled children and dependent children will be on relief, and the State and the Counties will have to provide for them without assistance from the Federal Government.

The two million six hundred thousand dollar appropriation request is based upon a careful estimate made by the Board and cannot be reduced without jeopardizing the public assistance program under the Federal Social Security Act.

Respectfully yours,

WILLIAM LANGER,  
Governor.

WL-JEB

The President called the President pro tem to the chair.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 132. A Bill for an Act to Repeal Chapter 254, Laws 1933, Relating to Old Age Pensions and to Cancel All Claims or Rights of Claim on Behalf of the State or Any County by Virtue of Pensions Paid Under Said Act and All Transfers of Property Made by Any Applicant for Pension Under Said Act.

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 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Owings
Bilden	Kamrath	Skarvold
Blaisdell	Kolpin	Strehlow
Brostuen	Kroeber	Streibel
Coffey	Lavik	Stucke
Crandall	Lemke	Thorson
Drew	Lian	Topp
Ettestad	Lowe	Trout
Fine	Magoffin	Vinje

Messrs.	Messrs.	Messrs.
Fowler	Morrison	Watt
Fredrickson	Mutchler	Whelan
Gilbertson	Nelson, Barnes	Williams
Greene	Nelson, Grand Fks.	Wog
Gronvold	Olson	Young
Guenther		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Cain	Johnson	McGillic
Hulteng	Lynn	Thatcher

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

Senate Bill No. 22. A Bill for an Act Amending and Re-enacting Section 714a13, Supplement to the Compiled Laws of 1913 as Amended by Chapter 227 of the Session Laws for the Year 1927, and as Further Amended by Chapter 222 of the Session Laws of 1931.

Was read the second time.

Senator Fowler moved that Senate Bill No. 22 be amended as follows:

In the title of the bill, strike out the following language: "Section 714a13, Supplement to the Compiled Laws of 1913 as amended by Chapter 227 of the Session Laws for the year 1927 and as further amended by."

Also strike out the same language in lines 1, 2 and 3 of Section 1.

Which motion prevailed.

Senator Fowler moved that the rules be suspended and Senate Bill No. 22 be considered properly re-engrossed, and placed upon Second Reading and Final Passage as amended, which motion prevailed.

### ROLL CALL

The question being on the final passage of Senate Bill No. 22, as amended, the roll was called and there were ayes, 42; nays, 0; absent and not voting 7.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Owings
Bilden	Kolpin	Skarvold
Blaisdell	Kroeber	Strehlow
Coffey	Lavik	Streibel
Crandall	Lemke	Stucke
Drew	Lian	Thorson
Ettestad	Lowe	Topp
Fine	Magoffin	Trout
Fowler	McGillic	Vinje

Messrs.	Messrs.	Messrs.
Fredrickson	Morrison	Watt
Gilbertson	Mutchler	Whelan
Greene	Nelson, Barnes	Williams
Gronvold	Nelson, Grand Fks.	Wog
Guenther	Olson	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Hulteng	Lynn
Cain	Johnson	Thatcher
Guthrie		

So the bill passed and the title was agreed to.

Senate Bill No. 65. A Bill for an Act to Amend and Re-enact Section 6, of Chapter 108, of the Session Laws of 1935, Relating to Credit Unions in the State of North Dakota.

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 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Owings
Bilden	Kolpin	Skarvold
Blaisdell	Kroeber	Strehlow
Brostuen	Lavik	Streibel
Coffey	Lemke	Stucke
Crandall	Lian	Thorson
Drew	Lowe	Topp
Ettestad	Magoffin	Trout
Fine	McGillic	Vinje
Fowler	Morrison	Watt
Fredrickson	Mutchler	Whelan
Gilbertson	Nelson, Barnes	Williams
Greene	Nelson, Grand Fks.	Wog
Gronvold	Olson	Young
Guenther		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Cain	Hulteng	Lynn
Guthrie	Johnson	Thatcher

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

The President resumed the chair.

Senator Fowler moved that the Senate reconsider the vote by which Senate Bill No. 22 was passed, which motion prevailed.

Senator Fowler moved that the Senate reconsider the vote



by which the amendments to Senate Bill No. 22 were adopted, which motion prevailed.

Senator Fowler moved that Senate Bill No. 22 be amended as follows:

In the title of the bill, strike out the following "714a13, Supplement to the Compiled Laws of 1913 as amended by Chapter 227 of the Session Laws for the year 1927, and as further amended by," and insert in lieu thereof the following: "2 of."

Strike out the same language in lines 1, 2 and 3 of Section 1 and insert the following: "2 of."

Which motion prevailed.

Senator Fowler moved that the rules be suspended and Senate Bill No. 22 be considered properly re-engrossed, and placed upon Second Reading and Final Passage as amended, which motion prevailed.

Senate Bill No. 22. A Bill for an Act Amending and Re-enacting Section 2 of Chapter 222 of the Session Laws of 1931.

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 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Kamrath	Owings
Blaisdell	Kolpin	Skarvold
Brostuen	Kroeber	Strehlow
Coffey	Lavik	Streibel
Crandall	Lemke	Thorson
Drew	Lian	Topp
Ettestad	Lowe	Trout
Fine	Magoffin	Vinje
Fowler	McGillic	Watt
Fredrickson	Morrison	Whelan
Gilbertson	Mutchler	Williams
Greene	Nelson, Barnes	Wog
Gronvold	Nelson, Grand Fks.	Young
Guenther		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Cain	Johnson	Stucke
Hulteng	Lynn	Thatcher

So the bill passed and the title was agreed to.

Senate Bill No. 85. A Bill for an Act to Amend Chapter 94 of the Laws of 1935, Relating to Loans and Investments Under the National Housing Act so as to Make Mortgages Insured and Debentures Issued by the Federal Housing Administrator Eligible for Deposit; and for Clarification Purposes.

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, 0; absent and not voting, 10.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Blaisdell	Kamrath	Owings
Brostuen	Kolpin	Skarvold
Coffey	Kroeber	Strehlow
Crandall	Lavik	Streibel
Drew	Lemke	Thorson
Ettestad	Lian	Topp
Fine	Low	Trout
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Johnson	Stucke
Cain	Lynn	Thatcher
Greene	Mutchler	Williams
Hulteng		

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

Senate Bill No. 20. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary and Miscellaneous General Expenses of the Department of Minimum Wage.

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, 7.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Blaisdell	Kamrath	Owings
Brostuen	Kolpin	Skarvold
Coffey	Kroeber	Strehlow

Messrs.	Messrs.	Messrs.
Crandall	Lavik	Streibel
Drew	Lemke	Thorson
Ettestad	Lian	Topp
Fine	Lowe	Trout
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Johnson	Stucke
Cain	Lynn	Thatcher
Hulteng		

So the bill passed and the title was agreed to.

Senator Brostuen requested that the Senate return to the Seventh Order of Business.

Which request was granted.

Senator Brostuen moved that the chair appoint a committee of seven to consider the message from the Governor, as it called attention to a very serious situation which the Senate wished to meet in as prompt a manner as possible. The motion prevailed.

The President appointed the following committee to consider the Governor's message: Senators Brostuen, Lemke, Watt, Fine, Guthrie, Skarvold, and Aasen.

## SECOND READING OF SENATE BILLS

Senate Bill No. 129. A Bill for an Act Making Provision for the Use of Business Records as Evidence and Making Uniform the Law with Reference Thereto.

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, 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Owings
Blaisdell	Kolpin	Skarvold
Brostuen	Kroeber	Strehlow
Coffey	Lavik	Streibel
Crandall	Lemke	Stucke
Drew	Lian	Thorson
Ettestad	Lowe	Topp
Fine	Magoffin	Trout
Fowler	McGillic	Vinje

Messrs.	Messrs.	Messrs.
Fredrickson	Morrison	Watt
Gilbertson	Mutchler	Whelan
Greene	Nelson, Barnes	Williams
Gronvold	Nelson, Grand Fks.	Wog
Guenther	Olson	Young
Guthrie		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Hulteng	Lynn
Cain	Johnson	Thatcher

So the bill passed and the title was agreed to.

Senate Bill No. 130. A Bill for an Act for the Judicial Notice of the Laws of Other Jurisdictions and for Proof Thereof and to Make Uniform the Law With Reference Thereto.

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, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Skarvold
Blaisdell	Kolpin	Strehlow
Brostuen	Kroeber	Streibel
Coffey	Lavik	Stucke
Crandall	Lemke	Thatcher
Drew	Lian	Thorson
Ettestad	Lowe	Topp
Fine	Magoffin	Trout
Fowler	McGillic	Vinje
Fredrickson	Morrison	Watt
Gilbertson	Mutchler	Whelan
Greene	Nelson, Barnes	Williams
Gronvold	Nelson, Grand Fks.	Wog
Guenther	Olson	Young
Guthrie	Owings	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Hulteng	Lynn
Cain	Johnson	

So the bill passed and the title was agreed to.

Senate Bill No. 131. A Bill for an Act Providing for the Use of Official Reports as Evidence and Making Uniform the Law With Reference Thereto.

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, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Owings
Bilden	Kamrath	Skarvold
Blaisdell	Kolpin	Strehlow
Brostuen	Kroeber	Streibel
Coffey	Lavik	Stucke
Crandall	Lemke	Thatcher
Drew	Lian	Thorson
Ettestad	Lowe	Topp
Fine	Magoffin	Trout
Fowler	McGillic	Vinje
Fredrickson	Morrison	Watt
Gilbertson	Mutchler	Whelan
Greene	Nelson, Barnes	Williams
Gronvold	Nelson, Grand Fks.	Wog
Guenther	Olson	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Cain	Johnson	Lynn
Hulteng		

So the bill passed and the title was agreed to.

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 bill:

Senate Bill No. 119. A Bill for an Act Regulating All Benevolent Corporations, Associations or Societies Operating on Voluntary or Involuntary Assessment or Contribution Plan, Which Provide for Protective and/or Indemnity Benefits, Excepting Benevolent Corporations as Defined by Chapter 23, Compiled Laws of 1931, and for the Repeal of Chapter 160 of the Session Laws of 1931, and Acts or Parts of Acts in Conflict Herewith.

And find the same correctly engrossed.

WILLIAM KROEBER,  
Chairman.

Senator Kroeber 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 En-grossment respectfully report that they have examined the following bills:

Senate Bill No. 38. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire, Travel and General Expenses of the Office of Veterans' Service Commissioner as Prescribed by Chapter 281, Laws of 1927, and Chapter 74, Laws of 1929.

Also,

Senate Bill No. 84. A Bill for an Act to Amend and Re-enact Section 8247a21 of the 1925 Supplement to the Compiled Laws, North Dakota, 1913, Relating to Lien of Assessments in Irrigation Districts, Giving the Same Equality as Liens with General Taxes and Sale Thereof, Repealing All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Also,

Senate Bill No. 89. A Bill for an Act to Amend and Re-enact Section 3644 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Duties of City Boards of Equalization.

Also,

Senate Bill No. 6. A Bill for an Act Making an Appropriation for the Maintenance of the State Capitol and for Improvements, Repairs, Insurance and Upkeep of Grounds.

And find the same correctly enrolled.

WM. KROEBER,  
Chairman.

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

#### SECOND READING OF SENATE BILLS

Senate Bill No. 119. A Bill for an Act Regulating All Benevolent Corporations, Associations or Societies Operating on Voluntary or Involuntary Assessment or Contribution Plan, Which Provide for Protective and/or Indemnity Benefits, Excepting Benevolent Corporations as Defined by Chapter 23, Compiled Laws of 1931, and for the Repeal of Chapter 160 of the Session Laws of 1931, and Acts or Parts of Acts in Conflict Herewith.

Was read the second time.

Senator Coffey moved that Senate Bill No. 119 be amended as follows:

On page 4 of the printed bill, Section 4, line 37, change the word "to" to "one" and in Section 5, line 15 change the words and figures "seventy (70)" to read "sixty-five (65)".

Which motion prevailed.

Senator Coffey moved that the rules be suspended and Senate Bill No. 119 be considered properly re-engrossed, and placed upon Second Reading and Final Passage, as amended, 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, 1; absent and not voting, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Owings
Bilden	Kamrath	Skarvold
Blaisdell	Kolpin	Strehlow
Brostuen	Kroeber	Streibel
Coffey	Lavik	Stucke
Crandall	Lemke	Thorson
Drew	Lian	Topp
Ettestad	Lowe	Trout
Fine	Magoffin	Vinje
Fowler	McGillic	Watt
Fredrickson	Morrison	Whelan
Gilbertson	Mutchler	Williams
Greene	Nelson, Barnes	Wog
Gronvold	Nelson, Grand Fks.	Young
Guenther	Olson	

Those voting in the negative were:

Messrs.  
Thatcher

Absent and not voting:

Messrs.	Messrs.	Messrs.
Cain	Johnson	Lynn
Hulteng		

So the bill passed and the title was agreed to.

Senator Gilbertson requested that the Senate return to the seventh order of business, which motion prevailed.

Senator Gilbertson moved that House Bill No. 68 be referred to the State Affairs Committee, which motion prevailed.

SENATE CONCURRENT RESOLUTION "L" was read the second time.

### ROLL CALL

The question being on the adoption of Senate Concurrent Resolution "L" the roll was called and there were ayes, 44; nays, 1; absent and not voting, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Skarvold
Bilden	Kamrath	Strehlow

Messrs.	Messrs.	Messrs.
Blaisdell	Kolpin	Streibel
Brostuen	Lavik	Stucke
Coffey	Lemke	Thatcher
Crandall	Lian	Thorson
Drew	Lowe	Topp
Ettestad	Magoffin	Trout
Fine	McGillic	Vinje
Fowler	Morrison	Watt
Fredrickson	Mutchler	Whelan
Gilbertson	Nelson, Barnes	Williams
Greene	Nelson, Grand Fks.	Wog
Gronvold	Olson	Young
Guenther	Owings	

Those voting in the negative were:

Messrs.  
Kroeber

Absent and not voting:

Messrs.	Messrs.	Messrs.
Cain	Johnson	Lynn
Hulteng		

So the resolution was declared adopted.

#### FIRST READING OF HOUSE BILLS

House Bill No. 39. A Bill for an Act Providing for the Regulation of Roving Grain Buyers, Other Than Public Warehouses or Public Warehousemen and Track Buyers, and Defining Who Are Such Roving Grain Buyers; Act Not Amicable to Whom; License and Bond Required; Powers and Duties of Railroad Commission; Granting the Board of Railroad Commissioners Power to Make Rules and Regulations Governing the Business of Roving Grain Buyers; Records Required by Dealers; Appropriating the Fees Collected to the Use of the Board of Railroad Commissioners for the Administration and Enforcement of the Act; Penalty for Violation of Act.

Was read the first time and referred to the Committee on Warehouse and Grain Grading.

House Bill No. 41. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State School for the Blind at Bathgate, North Dakota.

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

House Bill No. 42. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the Department of the Registrar of Motor Vehicles.

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



House Bill No. 112. A Bill for an Act to Prohibit the Operating of Motion Picture Theaters Which Are Owned, Controlled, Managed, or Operated, in Whole or in Part, by Producers or Distributors of Motion Picture Films, or in Which Such Producers or Distributors Have Any Interest.

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

House Bill No. 133. A Bill for an Act to Amend and Re-enact Section 1190 of the 1925 Supplement to the 1913 Compiled Laws of the State of North Dakota, as the Same Was Amended by Chapter 243 of the 1927 Session Laws of the State, Relating to Consolidation of Schools and Transportation of Pupils; and Repealing Certain Acts in Conflict.

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

#### SECOND READING OF HOUSE BILLS

House Bill No. 4. A Bill for an Act Making an Appropriation for the Care of Insane Patients Whose Residence Cannot be Determined and Whose Care Must be Borne by the State.

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, 0; absent and not voting, 9.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kolpin	Strehlow
Bilden	Kroeber	Streibel
Blaisdell	Lavik	Stucke
Brostuen	Lemke	Thatcher
Coffey	Magoffin	Thorson
Crandall	McGillic	Topp
Drew	Morrison	Trout
Ettestad	Mutchler	Vinje
Fowler	Nelson, Barnes	Watt
Greene	Nelson, Grand Fks.	Whelan
Gronvold	Olsón	Williams
Guenther	Owings	Wog
Guthrie	Skarvold	Young
Kamrath		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Cain	Gilbertson	Lian
Fine	Hulteng	Lowe
Fredrickson	Johnson	Lynn

So the bill passed and the title was agreed to.

House Bill No. 52. A Bill for an Act to Validate and Legalize Proceedings Taken Under Chapter 116, Laws 1919, to Establish and Construct Flood Irrigation Projects, Issue Bonds, Warrants and Other Evidences of Indebtedness to Finance the Cost of Such Projects, Levy Assessments and Taxes for the Payment of Such Indebtedness, and Declaring Such Obligations and Obligations Issued or to Be Issued to Fund Such Indebtedness Valid and Legal, 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, 7.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Owings
Bilden	Kolpin	Skarvold
Blaisdell	Kroeber	Strehlow
Brostuen	Lavik	Streibel
Coffey	Lemke	Stucke
Crandall	Lian	Thatcher
Drew	Lowe	Thorson
Ettestad	Magoffin	Topp
Fowler	McGillic	Trout
Gilbertson	Morrison	Vinje
Greene	Mutchler	Watt
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Cain	Hulteng	Lynn
Fine	Johnson	Whelan
Fredrickson		

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

The Secretary announced that the President was about to sign Senate Bill No. 6, Senate Bill No. 38, Senate Bill No. 84, Senate Bill No. 89, House Bill No. 75, and the President signed the same in the presence of the Senate.

Senator Strehlow moved that the Senate do now adjourn, which motion prevailed. The Senate stood adjourned.

### COURTESIES OF THE FLOOR

The Courtesies of the floor were extended to:

Wm. W. Fekon, Cavalier; Mrs. H. W. Brown; John Yoder, Watford City; Ludvig Fettig, Selz; Phillip Fettig, Orrin.

THOMAS McDONALD,  
Secretary.

THIRTY-FIFTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
February 8, 1937.

The Senate convened at 2:00 p. m., pursuant to adjournment, the President presiding.

Prayer by the Chaplain, Capt. Frank H. Larson, Mandan.

Roll call: All members present except Senator Hulteng.

Senator Bilden moved that all absent Senators 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 33rd day and find the same to be correct.

And recommend that the same be approved.

C. C. MORRISON,  
Chairman.

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

PETITIONS AND COMMUNICATIONS

The following petitions and communications were received, read from the desk, and referred to the appropriate committees:

A communication from the Fargo Chapter of the Disabled American Veterans urging continuance of military training at University and Agricultural College, and the defeat of House Bill No. 36.

A communication signed by the County Commissioners of Sargent County requesting support of laws involving old age assistance, aid for dependent children, aid for the blind, and the welfare board and relief set-ups, in compliance with the provisions of the Social Security Act and satisfactory to Federal agencies; also urging passage of laws recommended by the County Commissioners' Association of the state.

A communication from the Williams County Farmers' Holiday Association urging legislation providing that experimental substation near Williston be used as an Agricultural School.

A resolution signed by the Legislative Committee of Rolette County urging the defeat of House Bill No. 67 as being detrimental to the best interests of the schools.

A communication from the County Commissioners of Richland County asking defeat of any measure to divert the gasoline tax to any other fund; asking an amendment to present law and making it mandatory that delinquent personal property taxes be paid before car license could be obtained.

A communication from District Judge Swenson of Grand Forks recommending that facilities for manual training and instruction in mechanics be provided at State Training School at Mandan.

#### MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 8, 1937.

Mr. Speaker: I have the honor to return herewith the following bill.

House Bill No. 7b. A Bill for an Act to Amend and Re-enact Section 6077 of the 1913 Compiled Laws of the State of North Dakota as Amended and Re-enacted by Chapter 158 of the Session Laws of 1935 Relating to the Rate of Interest to Be Allowed on Judgments.

Which the President has signed.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 8, 1937.

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

Senate Bill No. 6. A Bill for an Act Making an Appropriation for the Maintenance of the State Capitol and for Improvements, Repairs, Insurance and Upkeep of Grounds.

Also,

Senate Bill No. 38. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire, Travel and General Expenses of the Office of Veterans' Service Commissioner as Prescribed by Chapter 281, Laws of 1927, and Chapter 74, Laws of 1929.

Also,

Senate Bill No. 84. A Bill for an Act to Amend and Re-enact Section 8247a21 of the 1925 Supplement to the Compiled Laws, North Dakota, 1913, Relating to Lien of Assessments in Irrigation Districts, Giving the Same Equality as Liens with General Taxes and Sale Thereof, Repealing All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Also,

Senate Bill No. 89. A Bill for an Act to Amend and Re-enact Section 3644 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Duties of City Boards of Equalization.

Which the President has signed and your signature is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 8, 1937.

Mr. Speaker: I have the honor to return:

House Bill No. 17. A Bill for an Act to Authorize the Board of County Commissioners of the Counties in the State of North Dakota, to Make, Execute and Deliver, on Behalf of the County, Leases and Other Contracts for the Purpose of Mining, and Operating for Oil and Gas, Lay Pipe Lines, and for Establishing and Maintaining Tanks, Power Stations and Structures Thereon, to Produce, Save, Sell and Take Care of Said Products, Together with Power and Authority to Include in the Provisions of Said Leases Any and All Provisions Which Would Be Within the Power of an Individual owner to Make, With Certain Limitations, and Providing for the Distribution of Moneys Received from Said Leases.

Which the Senate has amended as follows:

In Section 1, line 9 of the printed bill, strike out the "period" and in lieu thereof insert a "comma." After the word "product" in Section 1, line 9 of the printed bill, add the following language: "provided that in all cases where land is sold, conveyed or transferred by the county the title to all mineral, gas and petroleum products shall be retained and reserved by the County."

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 8, 1937.

Mr. Speaker: I have the honor to return:

House Bill No. 19. A Bill for an Act to Provide for the Distribution of all Moneys Received From the Treasury of the United States, Under the Provisions of the Act of Congress of February 25, 1920 (Public Number 146) to Place the Same in the State Equalization Fund of the State of North Dakota, and to Be Distributed as Provided by Chapter 260 of the Laws of the State of North Dakota for 1935.

Also,

House Bill No. 76. A Bill for an Act Making an Emergency Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the Motor Vehicle Registration Department.

Which the Senate has passed unchanged.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 8, 1937.

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

Senate Bill No. 94. A Bill for an Act Providing for the Granting of Concessions in State, County, and Municipal Public Buildings and the Grounds Adjacent Thereto, for Cafes, Restaurants, and Confectionaries; and, Providing for the Leasing, Renting, and Licensing of Such Public Concessions, and Making it Unlawful for Any State Official, County Official, Municipal Official, and Any Commission or Board Thereof, to Let Anyone Have the Use and Benefits of Any Such Concessions Without Having Complied With the Provisions of This Act, and Providing a Penalty Therefor; and Making This Act an Emergency Measure.

Also,

Senate Bill No. 98. A Bill for an Act to Promote the Public Welfare by Providing Aid to the Needy Blind.

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

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
February 8, 1937.

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

House Bill No. 44. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses for the Tuberculosis Sanatorium at San Haven, North Dakota.

Also,

House Bill No. 60. A Bill for an Act Making an Appropriation to Provide Funds for the Payment of a Deficit in the Office of the Commissioner of Agriculture and Labor.

Also,

House Bill No. 47. A Bill for an Act Making an Appropriation for the Purpose of Paying Travel Expenses of the Office of the State Examiner, as Provided by Chapter 71, Session Laws of 1933.

Also,

House Bill No. 77. A Bill for an Act Making an Appropriation to the Secretary of State for the Payment of the Cost of Printing the 1933-1934 Public Documents, and Declaring an Emergency.

Also,

House Bill No. 96. A Bill for an Act Making an Appropriation to Make Up the Deficits in the Fund Known as "The Insurance Tax to Fire Departments" for the Purpose of Paying Insurance Tax to the Various Fire Departments of the State in Compliance With the Provisions of Sections 3993 to 3998, Inclusive, of the Compiled Laws of 1913.

Also,

House Bill No. 129. A Bill for an Act to Amend and Re-enact Section 3852 of the Compiled Laws of North Dakota for 1913, Fixing the Hours During Which the Polls Shall Be Open at Annual Village Elections: Declaring an Emergency.

Also,

House Bill No. 128. A Bill for an Act to Amend and Re-enact Section 3846 of the Compiled Laws of North Dakota for 1913, fixing the hours during which the polls shall be open at an election upon the question of whether or not a proposed Village shall incorporate.

Also,

House Bill No. 142. A Bill for an Act Providing for the Establishment of Voting Precincts in All Special and Independent School Districts; Requiring Establishment of Polling Places for Each 5,000 Inhabitants; Providing for Appointment of Election Officials, Fixing Their Powers, Duties and Compensation and Repealing All Acts or Parts of Acts in Conflict Herewith.

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

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 8, 1937.

Mr. President: The House respectfully requests the return of House Concurrent Resolution "E," which was messaged for signing in error.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

Senator Whelan moved that House Concurrent Resolution "E" be returned to the House, which motion prevailed.

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. A Bill for an Act Providing for the Organization of Farmers State Mutual Fire and Lightning Reinsurance Companies, and Repealing all Acts and Parts of Acts in Conflict Herewith.

Also,

Senate Bill No. 8. A Bill for an Act Making an Appropriation for the Glanders and Dourine Indemnity Fund; and Declaring an Emergency.

Were delivered to the Governor for his approval at the hour of 3:38 p. m. o'clock, February 6, 1937.

WILLIAM KROEBER,  
Chairman.

The Committee on Enrollment and Engrossment made the following report:

Mr. President: Your Committee on Enrollment and Engrossment respectfully report that

Senate Bill No. 50. A Bill for an Act to Repeal Section 10185b of the Supplement to the Compiled Laws of 1913 Relating to Prohibiting Smoking in Specified Places.

Was delivered to the Governor for his approval at the hour of 3:05 o'clock p. m., February 5, 1937.

WILLIAM KROEBER,  
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:



Senate Bill No. 14. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the State Historical Society.

Also,

SENATE RESOLUTION "M".

Also,

SENATE RESOLUTION "N".

And find the same correctly enrolled.

WILLIAM KROEBER,  
Chairman.

Senator Kroeber 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 bills:

Senate Bill No. 22. A Bill for an Act Amending and Re-enacting Section 2 of Chapter 222 of the Session Laws of 1931.

Also,

Senate Bill No. 98. A Bill for an Act to Promote the Public Welfare by Providing Aid to the Needy Blind.

And find the same correctly engrossed.

WILLIAM KROEBER,  
Chairman.

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

#### MESSAGE FROM THE SENATE

Senate Chamber,  
Bismarck, North Dakota,  
February 8, 1937.

Mr. Speaker: I have the honor to return herewith the following resolution:

HOUSE CONCURRENT RESOLUTION "E", in accordance with your request.

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### REPORT OF STANDING COMMITTEES

The Committee on Insurance made the following report:

Mr. President: Your Committee on Insurance to whom was referred Senate Bill No. 62, have had the same under consideration and recommend that the same be amended as follows:

Strike out everything after the words "A BILL" and insert in lieu thereof the following:

SENATE BILL No. 62

Introduced by Senators McGillic, Blaisdell and Nelson of  
Grand Forks

A BILL

For an Act to Create an Unemployment Compensation Fund from Contributions by Employers for the Payment of Compensation for Involuntary Unemployment, to Provide for Merit Ratings for Employers, to Create an Unemployment Compensation Division in the Workmen's Compensation Bureau, to Transfer the North Dakota State Employment Service to the Workmen's Compensation Bureau as a Division Thereof, to Provide for Compensation With the Social Security Board of the United States of America, to Provide for an Employment Service Account and an Appropriation Therefor, Defining and Regulating the Administration of This Act, to Provide for Penalties for Violation of Said Act, and Declaring an Emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. DECLARATION OF PUBLIC POLICY.) As a guide to the interpretation and application of this Act, the public policy of this State is declared to be as follows: Economic insecurity due to unemployment is a serious menace to the health, morals, and welfare. Economic insecurity due to unemployment is therefore a subject of general interest and concern which requires appropriate action by the legislature to prevent its spread and to lighten its burdens. This can be provided by encouraging employers to provide more stable employment and by the systematic accumulation of funds during periods of employment to provide benefits for periods of unemployment, thus maintaining purchasing power and limiting the serious social consequences of poor relief assistance. The legislature, therefore, declares that in its considered judgment the public good and the general welfare of the citizens of this State will be promoted by providing, under the police powers of the State for the compulsory setting aside of unemployment reserves to be used for the benefit of persons unemployed through no fault of their own.

Sec. 2. DEFINITIONS.) As used in this Act, unless the context clearly requires otherwise:

(a) (1) "Annual pay roll" means the total amount of wages payable by an employer (regardless of the time of payment) for employment during a calendar year.

(2) "Average annual pay roll" means the average of the

annual pay rolls of any employer for the last three or five preceding calendar years, which ever average is higher.

(b) "Benefits" means the money payments payable to an individual, as provided in this Act, with respect to his unemployment.

(c) "Bureau" means the North Dakota Workmen's Compensation Bureau, consisting of three commissioners, appointed for terms of six years.

(d) "Contributions" means the payments to the State unemployment compensation fund required by this Act.

(e) "Employing unit" means any individual or type of organization, including any partnership, association, trust, estate, joint-stock company, insurance company, or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, which has or subsequent to January 1, 1936, had in its employ one or more individuals performing services for it within this State. All individuals performing services within this State for any employing unit which maintains two or more separate establishments within this State shall be deemed to be employed by a single employing unit for all the purposes of this Act. Each individual employed to perform or to assist in performing the work of any agent or employee of an employing unit shall be deemed to be employed by such employing unit for all the purposes of this Act, whether such individual was hired or paid directly by such employing unit or by such agent or employee, provided the employing unit had actual or constructive knowledge of the work.

(f) "Employer" means:

(1) Any employing unit which for some portion of a day in each of twenty different weeks, whether or not such weeks are or were consecutive, within either the current or the preceding calendar year, has or had in employment one or more individuals (irrespective of whether the same individuals are or were employed in each such day);

(2) Any individual or employing unit which acquired the organization, trade or business or substantially all the assets thereof, of another which at the time of such acquisition was an employer subject to this Act;

(3) Any employing unit which acquired the organization, trade, or business, or substantially all the assets thereof, of another employing unit, not an employer subject to this Act, and which if subsequent to such acquisition it were treated as a single unit with such other employing unit, would be an employer under paragraph (1) of this subsection;

(4) Any employing unit which together with one or more other employing units, is owned or controlled (by legally enforceable means or otherwise) directly or indirectly by the same interests, or which owns or controls one or more other employing units (by legally enforceable means or otherwise),

and which, if treated as a single unit with such other employing units, or interests, or both, would be an employer under paragraph (1) of this sub-section;

(5) Any employing unit which, having become an employer under paragraph (1), (2), (3), or (4), has not, under Section 9, ceased to be an employer subject to this Act; or

(6) For the effective period of its election pursuant to Section 9 (c) any other employing unit which has elected to become fully subject to this Act.

(g) "Employee" means every individual, whether male, female, citizen, alien or minor, who is performing, or subsequent to January 1, 1936, has performed services for an employer subject to this Act.

(h) (1) "Employment," subject to the other provisions of this sub-section, means service, including service in interstate commerce, performed for wages or under any contract of hire, written or oral, express or implied.

(2) The term "employment" shall include an individual's entire service, performed within or both within and without this State if:

(A) the service is localized in this State; or

(B) the service is not localized in any State but some of the service is performed in this State and (i) the base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled, is in this State; or (ii) the base of operations or place from which such service is directed or controlled is not in any State in which some part of the service is performed but the individual's residence is in this State.

(3) Services not covered under paragraph (2) of this sub-section and performed entirely without this State, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other State or of the Federal Government, shall be deemed to be employment subject to this Act if the individual performing such services is a resident of this State and the Bureau approves the election of the employing unit for whom such services are performed that the entire service of such individual shall be deemed to be employment subject to this Act.

(4) Service shall be deemed to be localized within a State if:

(A) the service is performed entirely within such State; or

(B) the service is performed both within and without such State, but the service performed without such State is incidental to the individual's service within the State, for example, is temporary or transitory in nature or consists of isolated transactions.

(5) Services performed by an individual for wages shall be deemed to be employment subject to this Act unless and until it is shown, to the satisfaction of the Bureau that:

(A) such individual has been and will continue to be free from control or direction over the performance of such services, both under his contract of service and in fact; and

(B) such service is either outside the usual course of the business for which such service is performed or that such service is performed outside of all the places of business of the enterprise for which such service is performed; and

(C) such individual is customarily engaged in an independently established trade, occupation, profession, or business;

(6) The term employment shall not include:

(1) Service performed in the employ of this State, or of any political sub-division thereof, or of any instrumentality of this State or its political sub-divisions;

(2) Services performed in the employ of any other State or its political sub-divisions, or of the United States Government, or of an instrumentality of any other State or States or their political sub-divisions or of the United States.

(3) Service with respect to which unemployment compensation is payable under an unemployment compensation system established by an Act of Congress, provided that the Bureau is hereby authorized and directed to enter into agreements with the proper agencies under such Act of Congress, which agreements shall become effective ten days after publication thereof in the manner provided in Section 11 (b) of this Act for general rules, to provide reciprocal treatment to individuals who have, after acquiring potential rights to benefits under this Act, acquired rights to unemployment compensation under such Act of Congress, or who have, after acquiring potential rights to unemployment compensation under such Act of Congress, acquired rights to benefits under this Act.

(4) Agricultural labor;

(5) Domestic service in a private home;

(6) Service performed as an officer or member of the crew of a vessel on the navigable waters of the United States;

(7) Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of twenty-one in the employ of his father or mother;

(8) Service performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

(i) "Employment office" means a free public employment office, or branch thereof, operated by this State or maintained as a part of a State-controlled system of public employment offices.

(j) "Fund" means the unemployment compensation fund established by this Act, to which all contributions required and from which all benefits provided under this Act shall be paid.

(k) "Partial unemployment." An individual shall be deemed "partially unemployed" in any week of less than full time work if his wages payable for such week are less than six-fifths of the weekly benefit amount he would be entitled to receive if totally unemployed and eligible.

(l) "State" includes, in addition to the States of the United States of America, Alaska, Hawaii, and the District of Columbia.

(m) "Total unemployment." An individual shall be deemed "totally unemployed" in any week during which he performs no services and with respect to which no wages are payable to him.

(1) As used in subsections (K) and (M) herein, the term "wages" shall include only that part of remuneration for odd jobs or subsidiary work, or both, which is in excess of \$3 in any one week, and the term "services" shall not include that part of odd jobs or subsidiary work, or both, for which remuneration equal to or less than \$3 in any week is payable.

(2) As used in subsections (K) and (M), an individual's week of unemployment shall be deemed to commence only after his registration at an employment office, except as the Bureau may by regulation otherwise prescribe.

(n) "Unemployment compensation administration fund" means the unemployment compensation administration fund established by this Act, from which administrative expenses under this Act shall be paid.

(o) "Wages" means all remuneration payable for personal services, including commissions and bonuses and the cash value of all remuneration payable in any medium other than cash. Gratuities customarily received by an individual in the course of his employment from persons other than his employing unit shall be treated as wages payable by his employing unit. The reasonable cash value of remuneration payable in any medium other than cash, and the reasonable amount of gratuities, shall be estimated and determined in accordance with rules prescribed by the Bureau.

(p) "Week" means such period of seven consecutive calendar days, as the Bureau may by regulations prescribe.

(q) "Weekly benefit amount." An individual's "weekly benefit amount" means the amount of benefits he would be entitled to receive for one week of total unemployment.

(r) "Benefit year," with respect to any individual, means the fifty-two consecutive week period beginning with the first day of the week with respect to which benefits are first payable to him, and thereafter the fifty-two consecutive week period beginning with the first day of the first week with

respect to which benefits are next payable to him after the termination of his last preceding benefit year.

(s) "Base period" means the period beginning with the first day of the nine completed calendar quarters immediately preceding the first day of an individual's benefit year and ending with the last day of the next to the last completed calendar quarter immediately preceding any week with respect to which benefits are payable.

(t) "Calendar quarter" means the period of three consecutive calendar months ending on March 31, June 30, September 30, or December 31, excluding, however, any calendar quarter or portion thereof which occurs prior to January 1, 1938, or the equivalent thereof as the Bureau may by regulation prescribe.

Section 3 (a) UNEMPLOYMENT COMPENSATION FUND. ESTABLISHMENT AND CONTROL.) There is hereby established as a special fund, separate and apart from all public moneys or funds of this State, an unemployment compensation fund, which shall be administered by the Bureau exclusively for the purposes of this Act. This fund shall consist of (1) all contributions collected under this Act, together with any interest thereon collected pursuant to Section 14 of this Act; (2) all fines and penalties collected pursuant to the provisions of this Act; (3) interest earned upon any moneys in the fund; (4) any property or securities acquired through the use of moneys belonging to the fund; and (5) all earnings of such property or securities. All moneys in the fund shall be mingled and undivided.

(b) Accounts and deposit. The State Treasurer shall be ex-officio the treasurer and custodian of the fund, who shall administer such fund in accordance with the directions of the Bureau and shall issue his warrants upon it in accordance with such regulations as the Bureau shall prescribe. He shall maintain within the fund three separate accounts; (1) a clearing account, (2) an unemployment trust fund account, and (3) a benefit account. All moneys payable to the fund, upon receipt thereof by the Bureau, shall be forwarded to the Treasurer who shall immediately deposit them in the clearing account. Refunds payable pursuant to Section 15 of this Act may be paid from the clearing account upon warrants issued by the Treasurer under the direction of the Bureau. After clearance thereof, all other moneys in the clearing account shall be immediately deposited with the Secretary of the Treasury of the United States of America to the credit of the account of this State in the unemployment trust fund, established and maintained pursuant to Section 904 of the Social Security Act, as amended, any provisions of law in this State relating to the deposit, administration, release, or disbursement of moneys in the possession or custody of this State to the contrary notwithstanding. The benefit account shall consist of all moneys requisitioned from this State's account in the unemployment trust fund. Except as otherwise herein provided moneys in the clearing and benefit accounts may be deposited by the Treasurer, under the direction of the Bureau, in the Bank of North Dakota, but no public deposit insurance charge or premium shall be paid

out of the fund. The Treasurer shall give a separate bond conditioned upon the faithful performance of his duties as custodian of the fund in an amount fixed by the Bureau and in a form prescribed by law or approved by the Attorney General. Premiums for said bond shall be paid from the administration fund.

(c) **Withdrawals.** Moneys shall be requisitioned from this State's account in the unemployment trust fund solely for the payment of benefits and in accordance with regulations prescribed by the Bureau. The Bureau shall from time to time requisition from the unemployment trust fund such amounts, not exceeding the amounts standing to this State's account therein, as it deems necessary for the payment of benefits for a reasonable future period. Upon receipt thereof the treasurer shall deposit such moneys in the benefit account and shall issue his warrants for the payment of benefits solely from such benefit account. Expenditures of such moneys in the benefit account and refunds from the clearing account shall not be subject to any provisions of law requiring specific appropriations or other formal release by State officers of money in their custody. All warrants issued by the Treasurer for the payment of benefits and refunds shall bear the signature of the Treasurer and the countersignature of a member of the Bureau or its duly authorized agent for that purpose. Any balance of moneys requisitioned from the unemployment trust fund which remains unclaimed or unpaid in the benefit account after the expiration of the period for which such sums were requisitioned shall either be deducted from estimates for, and may be utilized for the payment of, benefits during succeeding periods, or, in the discretion of the Bureau, shall be re-deposited with the Secretary of the Treasury of the United States of America, to the credit of this State's account in the unemployment trust fund, as provided in Sub-section (b) of this Section.

(d) **Management of Funds Upon Discontinuance of Unemployment Trust Fund.** The provisions of sub-sections (a), (b), and (c) to the extent that they relate to the unemployment trust fund, shall be operative only so long as such unemployment trust fund continues to exist and so long as the Secretary of the Treasury of the United States of America continues to maintain for this State a separate book account of all funds deposited therein by this State for benefit purposes, together with this State's proportionate share of the earnings of such unemployment trust fund, from which no other State is permitted to make withdrawals. If and when such unemployment trust fund ceases to exist, or such separate book account is no longer maintained, all moneys, properties, or securities therein, belonging to the unemployment compensation fund of this State shall be transferred to the treasurer of the unemployment compensation fund, who shall hold, invest, transfer, sell, deposit, and release such moneys, properties, or securities in a manner approved by the Bureau in accordance with the provisions of this Act: Provided, that such moneys shall be invested in the following readily marketable classes of securities: Bonds or other interest-bearing obligations of the United



States of America or the State of North Dakota. Provided further, that such investment shall at all times be so made that all the assets of the fund shall always be readily convertible into cash when needed for the payment of benefits. The Treasurer shall dispose of securities or other properties belonging to the unemployment compensation fund only under the direction of the Bureau.

Sec. 4. CONTRIBUTIONS.) (a) Payments. (1) On and after January 1, 1937, contributions shall accrue and become payable by each employer for each calendar year in which he is subject to this Act, with respect to wages payable for employment (as defined in Section 2 (h) occurring during such calendar year. Such contributions shall become due and be paid by each employer to the Bureau for the fund in accordance with such regulations as the Bureau may prescribe, and shall not be deducted, in whole or in part, from the wages of individuals in his employ.

(2) In the payment of any contribution, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

(b) Rate of Contribution. Each employer shall pay contributions equal to the following percentages of wages payable by him with respect to employment;

(1) One and eight-tenths per centum with respect to employment during the calendar year, 1937;

(2) Two and seven-tenths per centum with respect to employment during the calendar year 1938, 1939, 1940 and 1941.

(3) With respect to employment after December 31, 1941, the percentage determined pursuant to Sub-section (c) of this Section.

(c) Future rates based on benefit experience. (1) The Bureau shall maintain a separate account for each employer, and shall credit his account with all the contributions which he has paid on his own behalf in excess of one per cent of his annual payroll for each calendar year. But nothing in this Act shall be construed to grant any employer or individuals in his service prior claims or rights to the amounts paid by him into the fund either on his own behalf or on behalf of such individuals. Benefits paid to an eligible individual shall be charged, in the amount hereinafter provided, against the account of his most recent employer, except that if such individual has not earned within the completed calendar quarter and the expired portion of the uncompleted calendar quarter immediately preceding the first week of any continuous period of unemployment, wages for employment by such most recent employer equal to more than sixteen times his weekly benefit amount, such benefits may also be charged against the account of his next most recent employer, in the inverse chronological order in which the employment of such individual occurred. The maximum amount so charged against the account of any employer shall not exceed one-sixth of the wages payable to such individual by

each such employer for employment which occurs on and after the first day of such individual's base period, but not more than \$65 per completed calendar quarter or portion thereof, which occurs within such base period; but nothing in this section shall be construed to limit benefits payable pursuant to Section 5 of this Act. The Bureau shall by general rules prescribe the manner in which benefits shall be charged against the accounts of several employers for whom an individual performed employment at the same time.

(2) The Bureau may prescribe regulations for the establishment, maintenance and dissolution of joint accounts by two or more employers, and shall, in accordance with such regulations and upon application by two or more employers to establish such an account, or to merge their several individual accounts in a joint account, maintain such joint account as if it constituted a single employer's account.

(3) The Bureau shall, for the year 1942 and for each calendar year thereafter, determine the contribution rate of each employer on the basis of such employer's actual record in the payment of contributions on his own behalf and with respect to benefits charged against his account, in accordance with the following requirements:

(i) Each employer's rate shall be 2-7/10 per centum except as otherwise provided in the following provisions. No employer's rate shall be less than 2-7/10 per centum unless there shall have been three calendar years throughout which any individual in his employ could have received benefits if eligible.

(ii) Each employer's rate for the twelve months commencing January 1 of any calendar year shall be determined on the basis of his record up to the beginning of such calendar year. If, at the beginning of such calendar year, the total of all his contributions paid on his own behalf and credited to his account for all past years exceeds the total benefits charged to his account for all such years, his contribution rate shall be—

(A) Two per centum, if such excess equals or exceeds 7½ per centum but is less than 10 per centum of his average annual payroll.

(B) One per centum, if such excess equals or exceeds 10 per centum of his average annual pay roll. If the total of his contributions, paid on his own behalf and credited to his account for all past periods or for the past sixty consecutive calendar months, whichever period is more advantageous to such employer for the purposes of this paragraph, is less than the total benefits charged against his account during the same period, his rate shall be 4 per centum.

(iii) No employer's rate for the period of twelve months commencing January 1 of any calendar year shall be less than 2-7/10 per centum, unless the total assets of the fund, excluding contributions not yet paid at the beginning of such calendar year, exceed the total benefits paid from the fund within the last preceding calendar year; and no employer's rate shall be less than 2 per centum unless such assets at

such time were at least twice the total benefits paid from the fund within such last preceding year.

Sec. 5. BENEFITS. (a) Payment of benefits. Beginning twenty-four months after the date when contributions first accrue under the terms of this Act, benefits shall become payable from the fund. All benefits shall be paid through employment offices, in accordance with such regulations as the bureau may prescribe.

(b) Weekly benefit amount for total unemployment. Each eligible individual who is totally unemployed (as defined in Section 2 (m) in any week shall be paid, with respect to such week, benefits at the rate of 50 per centum of his full-time weekly wages, but not more than \$15.00 per week, nor less than either \$5.00 or three-fourths of such full-time weekly wage whichever is the lesser.

(c) Weekly benefit for partial unemployment. Each eligible individual who is partially unemployed (as defined in Section 2 (k) in any week shall be paid with respect to such week a partial benefit. Such partial benefit shall be the amount equal to the difference between his weekly benefit amount and  $\frac{5}{6}$  of his wages, as used in Section 2 (m). If such partial benefit for any week equals less than \$2.00, it shall not be payable unless and until the accumulated total of such partial benefits with respect to weeks occurring within the preceding thirteen weeks equal \$2.00 or more.

(d) Determination of full time weekly wage. (1) The full time weekly wage of any individual means the weekly wages that such individual would receive if he were employed at the most recent wage rate earned by him in employment by an employer during the period prescribed pursuant to paragraph 3 of this subsection and for the customary scheduled full time weekly hours prevailing for his occupation in the enterprise in which he last earned wages in employment by an employer during the same period.

(2) If the Bureau finds that the full time weekly wage, as above defined, would be unreasonable or arbitrary or not readily determinable with respect to any individual, the full time weekly wage of such individual, shall be deemed to be one-thirteenth of his total wages in employment by employers in that quarter in which such total wages were highest during the period prescribed pursuant to paragraph 3 of this subsection.

(3) The full-time weekly wage of any individual shall be determined and redetermined at such reasonable times as the Bureau may find necessary to administer this Act and may by regulation prescribe. The period hereinabove referred to shall consist of the next to the last completed calendar quarter immediately preceding the date with respect to which an individual's full-time weekly wage is determined, and such of the seven immediately preceding consecutive calendar quarters as the Bureau may by regulation prescribe.

(e) DURATION OF BENEFITS—The Bureau shall com-

pute wage credits for each individual by crediting him with the wages earned by him for employment by employers during each quarter, or \$390, whichever is the lesser. Benefits paid to any eligible individual shall be charged, in the same chronological order as such wages were earned, against one-sixth of his wage credits which are based upon wages earned during his base period and which have not been previously charged hereunder. The maximum total amount of benefits payable to any eligible individual during any benefit year shall not exceed whichever is the lesser of (1) 16 times his weekly benefit amount, and (2) one-sixth of such uncharged wage credits with respect to his base period.

(f) Benefits in seasonal and irregular employment.

(1) Whenever in any industry or class of occupation in any industry it is customary to operate only during a regularly recurring period or periods of less than 40 weeks in a calendar year, then the rights to benefits shall apply only to the longest seasonal period or periods which are customary in such industry or class of employment. It shall be the duty of the bureau prior to the time when benefits may be payable and thereafter from time to time, to ascertain and determine, or redetermine, such seasonal period or periods for each such seasonal employment when the bureau has determined such season, it shall also fix the right to benefits and the conditions required for the payment of benefits to unemployed persons in such industry or class of occupation and shall modify the requirements of the right to benefit and the conditions required for the payment of benefits in such manner, that the total benefits paid to such persons will be in reasonable proportion to the total contributions of employers in such occupation or industry on account of such seasonal employees to the fund.

(2) The bureau shall also, prior to the time that benefits may become payable, and from time to time thereafter, ascertain and determine, or redetermine, employment in which it is customary to operate only at irregular periods, and shall fix the right to benefit and the conditions required for payment of benefits to persons having such employment, and shall modify the requirements of the right to benefit and the conditions required for the payment of benefits in such manner, that the total benefits paid to such persons will be in reasonable proportion to the total contributions of employers in such occupation or industry to the fund.

(g) PART-TIME WORKERS—(1) As used in this subsection the term "part-time worker" means an individual whose normal work is in an occupation in which his services are not required for the customary scheduled full-time hours prevailing in the establishment in which he is employed or who, owing to personal circumstances, does not customarily work the customary scheduled full-time hours prevailing in the establishment in which he is employed.

(2) The Bureau shall prescribe fair and reasonable general rules applicable to part-time workers for determining

their full-time weekly wage and the total wages for employment by employers required to qualify such workers for benefits. Such rules shall, with respect to such workers, supersede any inconsistent provisions of this Act, but, so far as practicable, shall secure results reasonably similar to those provided in the analogous provisions of this Act.

Sec. 6. BENEFIT ELIGIBILITY CONDITIONS.) An unemployed individual shall be eligible to receive benefits with respect to any week only if the Bureau finds that—

(a) He has registered for work at and thereafter has continued to report to an employment office in accordance with such regulations as the bureau may prescribe;

(b) He has made a claim for benefits in accordance with the provisions of Section 8 (a) of this Act;

(c) He is able to work, and is available for work; and

(d) Prior to any week for which he claims benefits he has been totally unemployed for a waiting period of two weeks (and for the purposes of this subsection, two weeks of partial unemployment shall be deemed to be equivalent to one week of total unemployment). Such weeks of total or partial unemployment or both need not be consecutive. No week shall be counted as a week of total unemployment for the purposes of this sub-section:

(1) If benefits have been paid with respect thereto;

(2) Unless the individual was eligible for benefits with respect thereto in all respects except for the requirements of sub-sections (b) and (e) of this Section;

(3) Unless it occurs within the thirteen consecutive weeks preceding the week for which he claims benefits, provided that this requirement shall not interrupt the payment of benefits for consecutive weeks of unemployment; and provided further that no individual shall be required to accumulate more than five waiting period weeks during any sixty-five consecutive week period:

(4) Unless it occurs after benefits first could become payable to an individual under this Act.

(e) He has within the first three out of the last four complete calendar quarters immediately preceding the first day of his benefit year, earned wages for employment by employers equal to not less than sixteen times his weekly benefit amount.

Sec. 7. DISQUALIFICATION FOR BENEFITS.) An individual shall be disqualified for benefits—

(a) For the week in which he has left work voluntarily without good cause, if so found by the bureau, and for not more than the five weeks which immediately follow such week as determined by the bureau according to the circumstances in each case.

(b) For the week in which he has been discharged for misconduct connected with his work, if so found by the bureau, and for not more than the five weeks which immediately follow such week as determined by the bureau in each case according to the seriousness of the misconduct.

(c) If the bureau finds that he has failed, without good cause, either to apply for available, suitable work when so directed by the employemnt office or the bureau or to accept suitable work when offered him, or to return to his customary self-employment (if any) when so directed by the bureau. Such disqualification shall continue for the week in which such failure occurred and for not more than the five weeks which immediately follow such week as determined by the bureau according to the circumstances in each case.

(1) In determining whether or not any work is suitable for an individual, the bureau shall consider the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience and prior earnings, his length of unemployment and prospects for securing local work in his customary occupation, and the distance of the available work from his residence.

(2) Notwithstanding any other provisions of this Act, no work shall be deemed suitable, and benefits shall not be denied under this Act to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(a) If the position offered is vacant due directly to a strike, lockout, or other labor dispute;

(b) If the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

(c) If as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(d) For any week with respect to which the bureau finds that his total or partial unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishment, or other premises at which he is or was last employed; Provided that this sub-section shall not apply if it is shown to the satisfaction of the bureau that—

(1) He is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work; and

(2) He does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in or financing or directly interested in the dispute;

Provided further, that if in any case separate branches

of work, which are commonly conducted as separate businesses in separate premises, are conducted in separate departments of the same premises, each such department shall for the purposes of this subsection be deemed to be a separate factory, establishment, or other premises.

(e) For the week with respect to which he is receiving or has received remuneration in the form of—

(1) Wages in lieu of notice;

(2) Compensation for temporary partial disability under the workmen's compensation law of any State or under a similar law of the United States; or

(3) Old age benefits under Title II of the Social Security Act, as amended, or similar payments under any Act of Congress;

Provided that if such remuneration is less than the benefits which would otherwise be due under this Act, he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration.

#### Sec. 8. CLAIMS FOR BENEFITS.)

(a) Filing. Claims for benefits shall be made in accordance with such regulations as the bureau may prescribe. Each employer shall post and maintain printed statements of such regulations in places readily accessible to individuals in his service and shall make available to each such individual at the time he becomes unemployed, a printed statement of such regulations. Such printed statements shall be supplied by the bureau to each employer without cost to him.

(b) Initial Determination.) A representative designated by the bureau, and hereinafter referred to as a deputy, shall promptly examine the claim, and on the basis of the facts found by him, shall either determine whether or not such claim is valid, and if valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and the maximum duration thereof, or shall refer such claim or any question involved therein to an appeal tribunal, which shall make its decision with respect thereto in accordance with the procedure described in sub-section (c) of this section, except that in any case in which the payment or denial of benefits will be determined by the provisions of section 7 (d) of this Act, the deputy shall promptly transmit his full findings of fact with respect to that sub-section to the bureau, who, on the basis of the evidence submitted and such additional evidence as he may require, shall affirm, modify, or set aside such findings of fact and transmit to the deputy a decision upon the issues involved under that sub-section, which shall be deemed the decision of the deputy. The deputy shall promptly notify the claimant and any other interested parties of the decision and reasons therefor; the deputy may for good cause reconsider his decision and shall promptly notify the claimant and such other interested

parties of his amended decision and the reasons therefor. Unless the claimant or any such interested party, within five calendar days after the delivery of the deputy's notification, or within seven calendar days after such notification was mailed to his last-known address, files an appeal from such decision, such decision shall be final and benefits shall be paid or denied in accordance therewith. If an appeal is duly filed, benefits with respect to the period prior to the final decision of the Bureau shall be paid only after such decision: PROVIDED, That if an appeal tribunal affirms a decision of a deputy, or the Bureau affirms a decision of an appeal tribunal, allowing benefits, such benefits shall be paid regardless of any appeal which may thereafter be taken, but if such decision is finally reversed, no employer's account shall be charged with benefits so paid.

(c) Appeals. Unless such appeal is withdrawn, an appeal tribunal, after affording the parties reasonable opportunity for fair hearing, shall affirm or modify the findings of fact and decision of the deputy. The parties shall be duly notified of such tribunal's decision, together with its reasons therefor, which shall be deemed to be the final decision of the Bureau, unless within ten days after the date of notification or mailing of such decision, further appeal is initiated pursuant to sub-section (e) of this section.

(d) Appeal Tribunals. To hear and decide disputed claims the bureau shall appoint one or more impartial appeal tribunals consisting in each case of either a salaried examiner selected in accordance with Section 11 (d) of this Act, or a body consisting of three members, one of whom shall be a salaried examiner who shall serve as chairman, one of whom shall be a representative of employers, and the other of whom shall be a representative of employees; each of the latter two members shall serve at the pleasure of the bureau and be paid a fee of not more than \$10.00 per day of active service on such tribunal, plus necessary expenses. No person shall participate on behalf of the bureau in any case in which he is an interested party. The bureau may designate alternates to serve in the absence or disqualification of any member of an appeal tribunal. The chairman shall act alone in the absence or disqualification of any other member and his alternates. In no case shall hearings proceed unless the chairman of the appeal tribunal is present.

(e) Review by the Bureau. The bureau may, on its own motion, affirm, modify, or set aside any decision of an appeal tribunal on the basis of the evidence previously submitted in such case, or direct the taking of additional evidence, or may permit any of the parties to such decision to initiate further appeals before it. The bureau shall permit such further appeals by any of the parties interested in a decision of an appeal tribunal which is not unanimous and by the deputy whose decision has been overruled or modified by an appeal tribunal. The bureau may remove to itself or transfer to another appeal tribunal proceedings on any claim pending before any appeal tribunal. Any proceeding so removed to the bureau shall be heard in accordance with the



requirements of subsection (c) of this section by the bureau or, in the absence or disqualification of any partisan member, by the impartial member acting alone. The bureau shall promptly notify the interested parties of its findings and decision.

(f) Procedure. The manner in which disputed claims shall be presented, and the conduct of hearings and appeals shall be in accordance with regulations prescribed by the bureau for determining the rights of the parties, whether or not such rules conform to common law or statutory rules of evidence and other technical rules of procedure. A full and complete record shall be kept of all proceedings in connection with a disputed claim. All testimony at any hearing shall be recorded, but need not be transcribed unless the disputed claim is further appealed.

(g) Witness Fees. Witnesses subpoenaed pursuant to this section shall be allowed fees as otherwise provided by law. Such fees and all expenses of proceedings involving disputed claims shall be deemed a part of the expense of administering this Act.

(h) Appeals to Courts. Any decision of the bureau in the absence of an appeal therefrom as herein provided, shall become final ten days after the date of notification or mailing thereof, and judicial review thereof shall be permitted only after any party claiming to be aggrieved thereby has exhausted his administrative remedies, as provided by this Act. The bureau shall be deemed to be a party to any judicial action involving any such decision and may be represented in any such judicial action by any qualified attorney employed by the bureau and has been designated by it for that purpose, or, at the bureau's request, by the Attorney General.

(i) Court Review. Within ten days after the decision of the bureau has become final, any party aggrieved thereby may secure judicial review thereof by commencing an action in the District Court of the county in which the employee claiming compensation resides, against the bureau for the review of its decision, in which action any other party to the proceeding before the bureau shall be made a defendant. In such action the complaint, which shall state the grounds upon which a review is sought, shall be served upon the Director of the Bureau or upon such person as the bureau may designate and such service shall be deemed completed service on all parties, but there shall be left with the party so served as many copies of the complaint as there are defendants and the bureau shall forthwith mail one such copy to each such defendant. Answers shall be filed within 30 days after the service of said complaint. With its answer, the bureau shall certify and file with said court all documents and papers and a transcript of all testimony taken in the matter, together with its findings of fact and decision therein. Such actions, shall be heard in a summary manner and shall be given precedence over all other civil cases. An appeal may be taken from the decision of the District Court to the Supreme Court of North Dakota, in the same man-

ner, but not inconsistent with the provisions of this Act, as is provided in civil cases. No bonds shall be required for entering such appeal. Upon the final determination of such judicial proceeding, the bureau shall enter an order in accordance with such determination.

(j) In any proceeding under this Act before the deputy appeal tribunal or the bureau, a party may be represented by an agent or attorney, but no fees for services rendered by an agent shall be allowable or payable unless such agent is an attorney at law.

**Sec. 9. PERIOD: ELECTION AND TERMINATION OF EMPLOYER'S COVERAGE.)**

(a) Any employing unit which is or becomes an employer subject to this Act within any calendar year shall be subject to this Act during the whole of such calendar year.

(b) Except as otherwise provided in Subsection (c) of this Section an employing unit shall cease to be an employer subject to this Act only as of the first day of January of any calendar year only if it files with the bureau, prior to the 5th day of January of such year, a written application for termination of coverage, and the bureau finds that there were no twenty different days, each day being in a different week within the preceding calendar year, within which such employing unit employed one or more individuals in employment subject to this Act. For the purpose of this subsection, the two or more employing units mentioned in Paragraph (2) or (3) or (4) of Section 2 (f) shall be treated as a single employing unit.

(c-1) An employing unit, not otherwise subject to this Act, which files with the bureau its written election to become an employer subject hereto for not less than two calendar years, shall, with the written approval of such election by the bureau, become an employer subject hereto to the same extent as all other employers, as of the date stated in such approval, and shall cease to be subject hereto as of January 1 of any calendar year subsequent to such two calendar years, only if at least thirty days prior to such 1st day of January, it has filed with the bureau a written notice to that effect.

(2) Any employing unit for which services that do not constitute employment as defined in this Act are performed, may file with the bureau a written election that all such services performed by individuals in its employ in one or more distinct establishments or places of business shall be deemed to constitute employment for all the purposes of this Act for not less than two calendar years. Upon the written approval of such election by the bureau, such services shall be deemed to constitute employment subject to this Act from and after the date stated in such approval. Such services shall cease to be deemed employment subject hereto as of January 1st of any calendar year subsequent to such two calendar years only if at least thirty days prior to such 1st

day of January such employing unit has filed with the bureau a written notice to that effect.

Sec. 10. ADMINISTRATIVE ORGANIZATION.) There is hereby created in the North Dakota Workmen's Compensation Bureau a division to be known as the Unemployment Compensation Division. The North Dakota State Employment Service, as created by Chapter 161 of the Session Laws of 1935, is hereby transferred together with all its records, contracts, agreements and funds, and established as a division of the Workmen's Compensation Bureau and shall with the Unemployment Compensation Division, constitute two coordinate divisions of such Bureau, each of which shall be administered by a full time salaried director, who shall be subject to supervision and direction of the Bureau. Upon passage and approval of this Act the Workmen's Compensation Bureau shall have all of the powers and duties heretofore placed in the Commissioner of Agriculture and Labor in sub-section 5, 6, 7, 8 and 9 of Chapter 161 of the 1935 Session Laws. Each division shall be responsible for the discharge of its distinctive functions. Each division shall be a separate and administrative unit with respect to personnel, budgets and duties, except insofar as the Bureau may find that such separation is impracticable because of the small size of the territory served or of the volume of work performed. The bureau is authorized to appoint, fix the compensation of, and prescribe the duties of the director of the unemployment compensation division, provided that such appointment shall be made on a nonpartisan merit basis, and to appoint, fix the compensation of, and prescribe the duties of the director of the North Dakota State Employment Service division in accordance with the provisions of Section 13 of this Act.

Sec. 11. ADMINISTRATION.) (a) Duties and Powers of Bureau. The Bureau shall have power and authority to adopt, amend or rescind such rules and regulations, employ such persons, make such expenditures, require such reports, make such investigations and take such other action as it deems necessary or suitable in the administration of this Act. Such rules and regulations shall be effective upon publication in the manner, not inconsistent with the provisions of this Act, which the bureau shall prescribe. The bureau shall determine its own organization and methods of procedure in accordance with the provisions of this Act and shall have an official seal which shall be judicially noticed. Not later than the 1st day of August of each year, the bureau shall submit to the governor a report covering the administration and operation of this Act during the preceding calendar year and shall make such recommendations for amendments to this Act as the bureau deems proper. Whenever the bureau believes that a change in contribution or benefit rates will become necessary to protect the solvency of the fund, it shall promptly so inform the governor and the legislature and make recommendations with respect thereto.

(b) Regulations and General and Special Rules. General and special rules may be adopted, amended, or rescinded by

the Bureau only after public hearing or opportunity to be heard thereon, of which proper notice has been given. General rules shall become effective ten days after filing with the secretary of state and publication in one or more newspapers of general circulation in this State. Special rules shall become effective ten days after notification to or mailing to the last known address of the individuals or concerns affected thereby. Regulations may be adopted, amended, or rescinded by the Bureau and shall become effective in the manner and at the time prescribed by the Bureau.

(c) Publication. The bureau shall cause to be printed for distribution to the public the text of this Act, the bureau's regulations and general rules and its annual reports to the governor, and any other material the bureau deems relevant and suitable.

(d) Personnel. Subject to other provisions of this Act, the Bureau is authorized to appoint, fix the compensation, and prescribe the duties and powers of such officers, accountants, attorneys, experts, and other persons as may be necessary in the performance of his duties under this Act. The Bureau may delegate to any such person such power and authority as he deems reasonable and proper for the effective administration of this Act, and may in his discretion bond any person handling moneys or signing checks hereunder. The Bureau shall classify positions under this Act and shall establish salary schedules and minimum personnel standards for the positions so classified. He shall provide for the holding of examinations to determine the qualifications of applicants for the positions so classified, and except for temporary appointments of not to exceed six months in duration, such personnel shall be appointed on the basis of efficiency and fitness as determined in such examination. No person who is an officer or committee member of any political party organization or who holds or is a candidate for any public office shall be appointed or employed under this Act. The Bureau shall establish and enforce fair and reasonable regulations for appointments, promotions, and demotions based upon ratings of efficiency and fitness and for termination for cause.

(dd) Advisory Councils. The Bureau shall appoint a State Advisory Council and local advisory councils, composed in each case of an equal number of employer representatives and employee representatives who may fairly be regarded as representative because of their vocation, employment, or affiliations, and of such members representing the general public as the bureau may designate. Such councils shall aid the bureau in formulating policies and discussing problems related to the administration of this Act and in assuring impartiality and freedom from political influence in the solution of such problems. Such advisory councils shall serve without compensation, but shall be reimbursed for any necessary expenses.

(e) Employment Stabilization. The bureau, with the advice and aid of its advisory councils, and through its appropriate divisions, shall take all appropriate steps to reduce and

prevent unemployment; to encourage and assist in the adoption of practical methods of vocational training, retraining, and vocational guidance; to investigate, recommend, advise, and assist in the establishment and operation, by municipalities, counties, school districts, and the State, of reserves for public works to be used in times of business depression and unemployment; to promote the re-employment of unemployed workers throughout the State in every other way that may be feasible; and to these ends to carry on and publish the results of investigations and research studies.

(f) Records and Reports. Each employing unit shall keep true and accurate work records containing such information as the bureau may prescribe. Such records shall be open to inspection and be subject to being copied by the bureau or its authorized representatives at any reasonable time and as often as may be necessary. The bureau or the chairman of any appeal tribunal may require from any employing unit any sworn or unsworn reports, with respect to persons employed by it, which the bureau or he deems necessary for the effective administration of this Act. Information thus obtained shall not be published or be open to public inspection (other than to public employees in the performance of their public duties) in any manner revealing the employing unit's identity, but any claimant, or his legal representative at a hearing before an appeal tribunal or the bureau shall be supplied with information from such records to the extent necessary for the proper presentation of his claim.

(g) Oaths and Witnesses. In the discharge of the duties imposed by this Act, the chairman of an appeal tribunal or any duly authorized representative or member of the bureau shall have power to administer oaths and affirmations, take depositions, certify to official Acts, and issue a subpoena to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records deemed necessary as evidence in connection with a disputed claim or the administration of this Act.

(h) Subpoenas. In case of contumacy by, or refusal to obey a subpoena issued to any person, any court of this State within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the chairman of an appeal tribunal or the bureau or its duly authorized representative, shall have jurisdiction to issue to such person an order requiring such person to appear before an appeal tribunal or the bureau, or its duly authorized representative, there to produce evidence if so ordered or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

(i) Protection Against Self-Incrimination. No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda, and other records before the chairman of an appeal tribunal, the bureau or any member thereof or any duly authorized representative

of the bureau in any cause or proceeding before the bureau on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty of forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(j) State-Federal Cooperation. In the administration of this Act, the bureau shall cooperate to the fullest extent consistent with the provisions of this Act, with the Social Security Board, created by Social Security Act, approved August 14, 1935, as amended; shall make such reports in such form and containing such information as the Social Security Board may from time to time require, and shall comply with such provisions as the Social Security Board may from time to time find necessary to assure the correctness and verification of such reports; and shall comply with regulations prescribed by the Social Security Board governing the expenditures of such sums as may be allotted and paid to this State under Title III of the Social Security Act for the purpose of assisting in the administration of this Act. Upon request therefor the bureau shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, the name, address, ordinary occupation, and employment status of each recipient of benefits and such recipient's rights to further benefits under this Act.

#### Sec. 12. RECIPROCAL BENEFIT ARRANGEMENTS

The bureau is hereby authorized to enter into arrangements with the appropriate agencies of other States or the Federal Government whereby individuals performing services in this and other States for a single employing unit under circumstances not specifically provided for in Section 2(h) of this Act or under similar provisions in the unemployment compensation laws of such other States shall be deemed to be engaged in employment performed entirely within this State or within one of such other States and whereby potential rights to benefits accumulated under the unemployment compensation laws of several states or under such a law of the Federal Government, or both, may constitute the basis for the payment of benefits through a single appropriate agency under terms which the bureau finds will be fair and reasonable as to all affected interests and will not result in any substantial loss to the fund.

#### Sec. 13. EMPLOYMENT SERVICE.

(a) State Employment Service. The North Dakota State Employment Service is hereby established in the Workmen's Compensation Bureau as a division thereof. The Bureau, through such division, shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this Act, and

for the purpose of performing such duties as are within the purview of the Act of Congress entitled "An Act to Provide for the Establishment of a National Employment System and for Cooperation With the States in the Promotion of Such System, and for Other Purposes," approved June 6, 1933 (48 Stat. 113; U.S.C. Title 29, Sec. 49(c), as amended. The said division shall be administered by a full time salaried director, who shall be charged with the duty to cooperate with any official or agency of the United States having powers or duties under the provisions of the said Act of Congress, as amended, and to do and perform all things necessary to secure to this State the benefits of the said Act of Congress, as amended, in the promotion and maintenance of a system of public employment offices. The provisions of the said Act of Congress, as amended, are hereby accepted by this State, in conformity with Section 4 of said Act, and this State will observe and comply with the requirements thereof. The North Dakota State Employment Service is hereby designated and constituted the agency of this State for the purposes of said Act. The bureau is directed to appoint the Director, other officers, and employees of the North Dakota State Employment Service. Such appointments shall be made in accordance with regulations prescribed by the Director of the United States Employment Service.

(b) Financing. All moneys received by this State under the said Act of Congress, as amended, shall be paid into the special "Employment Service Account" in the Unemployment Compensation Administration Fund, and said moneys are hereby made available to the North Dakota State Employment Service to be expended as provided by this section and by said Act of Congress. For the purpose of establishing and maintaining free public employment offices, the Bureau is authorized to enter into agreements with any political subdivision of this State or with any private, non-profit organization and as a part of any such agreement the bureau may accept moneys, services, or quarters as a contribution to the Employment Service account.

#### Sec. 14. UNEMPLOYMENT COMPENSATION ADMINISTRATION FUND

(a) Special Fund.) There is hereby created in the State Treasury a special fund to be known as the Unemployment Compensation Administration Fund. All moneys which are deposited or paid into this fund are hereby appropriated and made available to the bureau. All moneys in this fund shall be expended solely for the purpose of defraying the cost of the administration of this Act, and for no other purpose whatsoever. The fund shall consist of all moneys appropriated by this State, and all moneys received from the United States of America, or any agency thereof, including the Social Security Board and the United States Employment Service, or from any other source, for such purpose. All moneys in this fund shall be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as is provided by law for other special funds in the State Treasury. Any balances in this fund shall not lapse at any time but shall be continuously available to the bureau for expenditure con-

sistent with this Act. The State Treasurer shall give a separate and additional bond conditioned upon the faithful performance of his duties in connection with the Unemployment Compensation Administration Fund in an amount to be fixed by the Bureau and in a form prescribed by law or approved by the Attorney General. The premiums for such bond and the premiums for the bond given by the Treasurer of the unemployment compensation fund under Section 3 of this Act, shall be paid from the moneys in the Unemployment Compensation Administration Fund.

(b) Employment Service Account.) A special Employment Service account shall be maintained as a part of the Unemployment Compensation Administration Fund for the purpose of maintaining the Public Employment Offices established pursuant to Section 13 of this Act and for the purpose of cooperating with the United States Employment Service. There is hereby appropriated to the Employment Service Account of the Unemployment Compensation Administration Fund, from any money in the State Treasury not otherwise appropriated, \$50,000.00 for the biennium ending June 30, 1939. In addition, there shall be paid into such account the moneys designated in Section 13 (b) of this Act, and such moneys as are apportioned for the purposes of this account from any moneys received by this State under Title III of the Social Security Act, as amended.

#### Sec. 15. COLLECTION OF CONTRIBUTIONS

(a) Interest on Past Due Contributions.) Contributions unpaid on the date on which they are due and payable, as prescribed by the bureau, shall bear interest at the rate of one per centum per month from and after such date until payment plus accrued interest is received by the bureau. Interest collected pursuant to this subsection shall be paid into the Unemployment Compensation Fund.

(b) Collection.) If, after due notice, any employer defaults in any payment of contributions or interest thereon, the amount due shall be collected by civil action in the name of the bureau and the employer adjudged in default shall pay the costs of such action. Civil actions brought under this section to collect contributions or interest thereon from an employer shall be heard by the court at the earliest possible date, and shall be entitled to preference upon the calendar of the court over all other civil actions except petitions for judicial review under this Act and cases arising under the workmen's compensation law of this State.

(c) Priorities Under Legal Dissolutions or Distributions.) In the event of any distribution of an employer's assets pursuant to an order of any court under the laws of this State, including any receivership, assignment for benefit of creditors, adjudicated insolvency, composition, or similar proceeding, contribution then or thereafter due shall be paid in full prior to all other claims except taxes and claims for wages of not more than \$250.00 to each claimant, earned within four months of the commencement of the proceeding. In the event of an employer's adjudication in bankruptcy, judicially con-



firmed extension proposal, or composition, under the Federal Bankruptcy Act of 1898, as amended, contributions then or thereafter due shall be entitled to such priority as is provided in Section 64 (b) of that Act (U. S. C. Title 11, Sec. 104 (b) as amended.

(d) Refunds.) If not later than one year after the date on which any contributions or interest thereon became due, an employer who has paid such contributions or interest thereon shall make application for an adjustment thereof in connection with subsequent contribution payments, or for a refund thereof because such adjustment cannot be made, and the bureau shall determine that such contributions or interest or any portion thereof was erroneously collected, the bureau shall allow such employer to make an adjustment thereof, without interest, in connection with subsequent contribution payments by him, or if such just adjustment cannot be made, the bureau shall refund said amount, without interest, from the fund. For like cause and within the same period, an adjustment or refund may be so made on the bureau's own initiative.

#### Sec. 16. PROTECTION OF RIGHTS AND BENEFITS

(a) Waiver of Rights Void.) No agreement by an individual to waive, release or commute his rights to benefits or any other rights under this Act shall be valid. No agreement by any individual in the employ of any person or concern to pay all or any portion of an employer's contributions, required under this Act from such employer, shall be valid. No employer shall directly or indirectly make or require or accept any deduction from wages to finance the employer's contributions required from him, or require or accept any waiver of any right hereunder by any individual in his employ.

(b) No Assignment of Benefits: Exemptions.) No assignment, pledge, or encumbrance of any right to benefits which are or may become due or payable under this Act shall be valid; and such rights to benefits shall be exempt from levy, execution, attachment, or any other remedy whatsoever provided for the collection of debt; and benefits received by any individual, so long as they are not mingled with other funds of the recipient, shall be exempt from any remedy whatsoever for the collection of all debts except debts incurred for necessities furnished to such individual or his spouse or dependents during the time when such individual was unemployed. No waiver of any exemption provided for in this subsection shall be valid.

(c) Limitation of Fees.) No individual claiming benefits shall be charged fees of any kind in any proceeding under this Act by the Bureau, its representatives, or by any court or any officer thereof. Any individual claiming benefits in any proceeding before the Bureau or its representatives or a court may be represented by counsel or other duly authorized agent; but no such counsel or agents shall either charge or receive for such services more than an amount approved by the Bureau.

#### Sec. 17. PENALTIES

(a) Whoever violates any of the provisions of this Act or any rule or regulation of the bureau adopted pursuant hereto shall be guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars or by imprisonment for not longer than ninety days or both.

(b) Any person who wilfully makes a false statement or misrepresentation to obtain any benefit or payment under the provisions of this Act either for himself or another person or to cause or attempt to cause a lower contribution to be paid to the fund, or any person who wilfully refuses or fails to pay a contribution to the fund shall be guilty of a misdemeanor and punished by a fine of not more than one hundred dollars or by imprisonment of not longer than ninety days, or both.

#### Sec. 18. REPRESENTATION IN COURT

In any civil action to enforce the provisions of this act the bureau and the State may be represented by any qualified attorney who is employed by the Bureau and is designated by it for this purpose or at the bureau's request by the Attorney General.

Sec. 19. NON-LIABILITY OF STATE). Benefits shall be deemed to be due and payable under this Act only to the extent provided in this Act and to the extent that moneys are available therefor to the credit of the unemployment compensation fund and neither the State nor the bureaus shall be liable for any amount in excess of such sums.

Sec. 20. SAVING CLAUSE.) The legislature reserves the right to amend or repeal all or any part of this Act at any time; and there shall be no vested private right of any kind against such amendment or repeal. All the rights, privileges, or immunities conferred by this Act or by Acts done pursuant thereto shall exist subject to the power of the Legislature to amend or repeal this Act at any time. If for any reasons the excise tax on wages provided for in Title IX of the Social Security Act is held to be invalid by the Supreme Court of the United States or the contributions imposed under this Act are held to be invalid by a court of last resort, or in case the Social Security Act is repealed, no further contributions shall be collected under this Act, and no further benefits paid, and any moneys in the Unemployment Compensation Fund shall be refunded without interest and under regulations prescribed by the Bureau to each employer by whom contributions have been paid proportionally to his pro rata share. The tax imposed under this Act shall not be collected for the calendar year 1937 if this Act is not approved by the Social Security Board and the State of North Dakota certified to the Secretary of the Treasury, as provided in Sections 902 and 903 of the Social Security Act, previous to July 1, 1937.

Sec. 21. All Acts or Parts of Acts in conflict herewith are hereby repealed.

Sec. 22. SEPARABILITY OF PROVISIONS.) If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of this Act, and

the application of such provision to other persons or circumstances shall not be affected thereby.

Sec. 23. **SHORT TITLE.**) This Act shall be known and may be cited as the "North Dakota Unemployment Compensation Law."

Sec. 24. **EMERGENCY.**) This Act is declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

And when so amended recommend the same do pass.

**GEORGE V. COFFEY,**  
Chairman.

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

Senator Coffey moved that the rules be suspended and that the amendments to Senate Bill No. 62 be printed in the Journal and not read from the desk, which motion prevailed.

Senator McGillic moved that Senate Bill No. 62 be referred to the Committee on Insurance, which motion prevailed.

The Secretary read the majority and minority reports on Senate Bill No. 72.

Senator Blaisdell moved that the report of the minority be adopted.

Senator Cain moved as a substitute motion that further consideration of the committee reports on Senate Bill No. 72 be deferred one legislative day, which motion prevailed.

#### REPORTS OF STANDING COMMITTEES

The Committee on Elections made the following report:

Mr. President: Your Committee on Elections to whom was referred Senate Bill No. 125, have had the same under consideration and recommend that the same do pass.

**E. F. MUTCHLER,**  
Chairman.

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

Senator Mutchler moved that Senate Bill No. 125 be referred to the Committee on Elections, which motion prevailed.

The Committee on State Affairs made the following report:

Mr. President: Your Committee on State Affairs to whom was referred Senate Bill No. 140, have had the same under consideration and recommend that the same do pass.

**G. F. DREW,**  
Chairman.

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

The Committee on Elections made the following report:

Mr. President: Your Committee on Elections to whom was referred Senate Bill No. 154, have had the same under consideration and recommend that the same do pass.

E. F. MUTCHLER,  
Chairman.

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

The Committee on Education made the following report:

Mr. President: Your Committee on Education to whom was referred Concurrent Resolution "G", have had the same under consideration and wish to present the same without recommendation.

C. W. FINE,  
Chairman.

Senator Thatcher moved that Senate Concurrent Resolution "G" be placed on the calendar, which motion prevailed.

A minority of the Committee on State Affairs made the following report:

Mr. President: A minority of your Committee on State Affairs to whom was referred Senate Concurrent Resolution "K", have had the same under consideration and recommend that the same do pass.

A. N. LAVIK,  
GUST WOG.  
G. F. DREW, Chairman.

A majority of the Committee on State Affairs made the following report:

Mr. President: A majority of your Committee on State Affairs to whom was referred Senate Concurrent Resolution "K", have had the same under consideration and recommend that the same be indefinitely postponed.

A. W. FOWLER,  
J. P. CAIN,  
MAX H. STREHLOW,  
J. F. MCGILLIC,  
AXEL OLSON,  
TOM WHELAN,  
N. N. NELSON,  
MELVIN P. JOHNSON,  
C. C. MORRISON,  
WM. WATT,  
R. A. OWINGS,  
HARRY C. LYNN,  
ANDREW SKARVOLD.

Senator Fowler moved that the report of the majority be adopted.

Senator Johnson moved that further consideration of the Committee reports on Senate Concurrent Resolution "K" be deferred one legislative day, which motion prevailed.

The Committee on Insurance made the following report:

Mr. President: Your Committee on Insurance to whom was referred Senate Resolution "L," and the apparent irregularities in the Hail Insurance Department set forth on Page 296 of the Senate Journal for January 30, 1938, beg leave to report as follows:

That the Senate do not appoint a committee to investigate the irregularities and charges contained in Senate Resolution "L," and the apparent irregularities in the Hail Insurance Department set forth on Page 296 of the Senate Journal for January 30, 1937, and in lieu thereof the committee recommends that the Attorney General be and he hereby is requested to immediately make a full and complete investigation of the irregularities and charges set forth in Resolution "L," and the apparent irregularities in the Hail Insurance Department set forth on Page 296 of the Senate Journal for January 30, 1937, and that he file a report of his findings with the Senate on or prior to the 21st day of February, 1937, setting forth in said report his opinion as to whether or not any of the criminal statutes of the state have been violated, and setting forth whether or not, in his opinion, any officer or person connected with the Hail Insurance Department may be liable in a civil action on his bond for any irregular expenditures of hail funds.

Your Committee further recommends that the Appropriation Committees of the House and Senate increase the budget of the Attorney General in a sum not to exceed Fifteen Hundred Dollars (\$1500.00), to pay travel and other necessary expenses in carrying on the investigation herein requested.

GEORGE V. COFFEY,  
Chairman,

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

The Committee on Insurance made the following report:

Mr. President: Your Committee on Insurance to whom was referred House Bill No. 31, have had the same under consideration and recommend that the same be amended as follows:

In line 14, Section 1, of the engrossed bill, correct the spelling of the word "extension."

And when so amended, recommend that the same do pass.

GEORGE V. COFFEY,  
Chairman.

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

The Committee on Insurance made the following report:

Mr. President: Your Committee on Insurance to whom was referred House Bill No. 57, have had the same under consideration and recommend that the same do pass.

GEORGE V. COFFEY,  
Chairman.

Senator Coffey 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 bills:

Senate Bill No. 74. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Training School, Mandan, North Dakota.

Also,

Senate Bill No. 99. A Bill for an Act Appropriating Money for the School of Mines at the University of North Dakota, to Supplement Federal Funds for the Investigation and Development of the Mineral Resources Within the Bounds of the State of North Dakota.

Also,

Senate Bill No. 157. A Bill for an Act Concerning Changes in the Tariffs, Rates, Joint Rates, Fares, Tolls, Schedules or Classifications or Service; Repealing All Acts or Parts of Acts in Conflict Herewith; and Declaring this Act to be an Emergency Measure.

Also,

Senate Bill No. 117. A Bill for an Act Giving and Granting Unto the Board of Railroad Commissioners of the State of North Dakota the Authority, Power, and Jurisdiction to Regulate and Supervise Employment, and Places of Employment, for the Protection of the Life, Health, Safety and Welfare of the Employees in the Employ of Public Service Corporations Over Which Said Board of Railroad Commissioners Have Jurisdiction; Declaring an Emergency.

Also,

Senate Bill No. 119. A Bill for an Act Regulating All Benevolent Corporations, Associations or Societies Operating on Voluntary or Involuntary Assessment or Contribution Plan, Which Provide for Protective and/or Indemnity Benefits, Excepting Benevolent Corporations as Defined by Chapter

23, Compiled Laws of 1931, and for the Repeal of Chapter 160 of the Session Laws of 1931, and Acts or Parts of Acts in Conflict Herewith.

And find the same correctly engrossed.

WILLIAN KROEBER,  
Chairman.

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

Senator Cain moved that Senate Bill No. 150 be printed, which motion prevailed.

Senator Fowler moved that Senate Bill No. 117 be re-referred to the Committee on Railroads, which motion prevailed.

#### FIRST READING OF SENATE BILLS

Senators Strehlow, Nelson of Barnes and Crandall introduced:

Senate Bill No. 184. A Bill for an Act to Amend and Re-enact Sections 3 and 7 of Chapter 3, Session Laws of 1933, Relating to Unfair Discrimination in the Purchase Price of Certain Farm Products.

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

Senator Kolpin introduced:

Senate Bill No. 185. A Bill for an Act Appropriating the Sum of One Thousand Two Hundred Forty Dollars and Fifty-one Cents (\$1,240.51) from the General Funds of the State of North Dakota to Compensate O. P. Shelstad for the Moneys Paid Out of His Own Funds for Necessary Expenses Incurred as State Dairy Commissioner, for the Payment of Which There was no Appropriation.

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

Senators Brostuen and McGillic introduced:

Senate Bill No. 186. A Bill for an Act Providing That Special Improvement Warrants May Be Used in the Payment of Special Assessment Taxes of the Issuing District, and Declaring an Emergency.

Was read the first time and referred to the Committee on Taxes and Tax Laws.

The Committee on Agriculture introduced:

Senate Bill No. 187. A Bill for an Act Providing for Establishing, on Petition, of Temporary and Permanent Farm and Rural Home Advisory Councils, Under Whose Guidance Shall Be Conducted Agricultural, Home Economics and 4-H Club Programs, Providing for the Levy of an Annual Tax

Therefor and for Term of Office of Council, Manner of Creating and Provision for Traveling Expense of Permanent Council, for the Appointment of Extension Agents, the Budgeting of Expenses and for Procedure to Discontinue Levy for Agricultural, Home Economics, and 4-H Club Programs in Any County, Providing for Applicability of This Act to Counties Where the County Extension Work Has Been Provided and is Being Conducted Under the Statutes in Force Prior to the Enactment of This Act, and for the Discontinuance in Such Counties Within a Fixed Period of the County Work so Performed Under Former Statutes, and Repealing Section 3259A of the 1925 Supplement to the Compiled Laws of 1913, and All Acts or Parts of Acts in Conflict Herewith.

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

Senator Coffey (by request) introduced:

Senate Bill No. 188. A Bill for an Act Making Unlawful Discrimination in Price in the Sale of Motor Vehicle Fuel, the Granting of Rebates to Purchasers Thereof, Requiring Dealers to Post the Sale Price Thereof and to Sell in Conformity With Such Posted Price, Defining Dealers and Consumers, and Providing a Penalty for Violation of the Terms Thereof, Repealing All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

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

Senator Lowe introduced:

Senate Bill No. 189. A Bill for an Act to Amend and Re-enact Sub-section 19 of Section 3861 of the Compiled Laws of North Dakota for the Year 1913, Relating to Penalties Imposed for Violation of Village Ordinances; and Declaring an Emergency.

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

Senators Trout and Johnson introduced:

Senate Bill No. 190. A Bill for an Act Amending and Re-enacting Section 909a1 of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, Relating to No-Party Elections, Providing for the Election of Members of the Legislative Assembly on the No-Party Ticket, and Repealing All Acts or Parts of Acts in Conflict Herewith.

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

Senator Kroeber introduced:

Senate Bill No. 191. A Bill for an Act to Levy a Tax on Tickets Sold for Transportation of Persons by Common Carrier in North Dakota and Providing for the Disposition of Revenue Derived Therefrom.



Was read the first time and referred to the Committee on Taxes and Tax Laws.

The Committee on Agriculture introduced:

SENATE RESOLUTION "O".

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

Senator Thatcher introduced:

SENATE CONCURRENT RESOLUTION "P," "a Concurrent Resolution Providing for the Amendment of Section 158 of Article 9 of the Constitution of North Dakota as Amended by Article 13 of the Amendments Thereof, Relating to School and Public Lands, and for Resale to Original Purchaser.

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

Senator Blaisdell introduced:

Senate Bill No. 192. A Bill for an Act Making an Appropriation for a Pension for Mrs. Thelma Crites, Widow of National Guardsman John E. Crites.

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

Senator Vinje introduced:

Senate Bill No. 193. A Bill for and Act to appropriate the sum of Ten Thousand Dollars (\$10,000.00) from any moneys there may be in the Motor Registration Fund, at a date when the requirements hereinafter specified have been met by the State of Minnesota, and/or the County of Norman, in the State of Minnesota, and the County of Traill in the State of North Dakota, or that may thereafter accrue in such fund, for the purpose of aiding in the construction of a bridge across the Red River of the North, on the road connecting the village of Caledonia, Traill County, North Dakota, and the village of Shelly, Norman County, Minnesota. Under the provisions of Sections 1952a1 and 1952a2 of the 1925 Supplement to the Compiled Laws of 1913, as amended and re-enacted by Chapter 161 of the Session Laws of 1927, as amended and re-enacted by Chapter 140, Laws of 1929, and directing the North Dakota State Highway Commission, when the above mentioned arrangements have been completed, to construct such bridge, procure such Federal aid as may be possible, and to perform all necessary preliminary acts.

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

Senator Blaisdell introduced:

Senate Bill No. 194. A Bill for an Act to regulate the business of selling used motor vehicles by dealers not residing

in or Having a Permanent Place of Business in This State, and by Resident Dealers Purchasing, Handling and Selling Used Motor Vehicles Received or Acquired From Non-Resident Dealers; Requiring the Registration of All Used Motor Vehicles Brought Into This State for the Purpose of Sale to Be Registered With the Motor Vehicle Registrar, and Requiring All Such Dealers to Execute and Deliver to Each Purchaser a Bond Indemnifying the Purchaser Against Failure of Title, Breach of Warranty or Fraudulent Misrepresentation; Requiring Delivery of a Certificate of Title and Providing Penalties for the Violation of the Provisions of This Act.

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

Senator Mutchler (by request) introduced:

Senate Bill No. 195. A Bill for an Act to Rid the State of a Public Nuisance, Namely Irresponsible Collectors or Collection Agencies who Themselves are Operating Without Sufficient Funds and Who are Unable to Pay their Own Obligations, Yet Who Continually Persist in Cluttering Up the Courts With Garnishment and Attachment Actions, Causing Many Worthy Individuals with Large Families to Support, to Lose Their Jobs by Useless Litigation.

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

Senators Blaisdell, Lynn, Whelan and Stucke introduced:

Senate Bill No. 196. A Bill for an Act to Amend Section 6 of Chapter 85 of the Session Laws for the Year 1929, Relating to the Licensing of Airmen and Aircraft; Making Violation Thereof a Misdemeanor, and Providing the Penalty Therefor; Repealing All Acts or Parts of Acts in Conflict Herewith; and Declaring This Act to Be an Emergency Measure.

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

Senator Thoreson introduced:

Senate Bill No. 197. A Bill for an Act to Return to the Counties of the State of North Dakota, the Motor Vehicle Registration Funds Diverted and Transferred Under Chapter 160 of the Laws of 1933, From Said Sources to the Bond Interest Funds of the State of North Dakota; and the Beer Stamp Tax Diverted, Under the Provisions of Chapter 98, Laws of 1935, to the Bond Interest Fund of the State of North Dakota.

Was read the first time and referred to the Committee on Taxes and Tax Laws.

The Committee on Taxes and Tax Laws introduced:

Senate Bill No. 198. A Bill for an Act to Amend and Re-enact Section 2166 of the Compiled Laws of North Dakota

for 1913, as Amended by Chapter 241 of the Session Laws of North Dakota for 1929, and as Amended by Section 1 of Chapter 279 of the Session Laws of North Dakota for 1931; Section 2 of Chapter 279 of the Session Laws of North Dakota for 1931; Section 2169 and Section 2175 of the Compiled Laws of North Dakota for 1913; and Section 2178 of the Compiled Laws of North Dakota for 1913, as Amended by Section 1 of Chapter 122 of the Session Laws of North Dakota for 1935, Providing for the Delinquency of Personal Property Taxes, the Penalty Thereon and the Collection Thereof by the County Treasurer; Providing for a Lien for Delinquent Personal Taxes; Providing for Delinquent Tax Lists and the Duties of the Board of County Commissioners in Connection Therewith; Providing for the Duties of the County Treasurer and for His Neglect or Refusal to Perform His Duty in Connection Therewith, and for a penalty; Providing for the Fees for the Sheriff, or County Treasurer in Making Distress for Personal Taxes; Repealing Sections 2167, 2168 and 2173 of the Compiled Laws of North Dakota for 1913 and All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

Was read the first time and referred to the Committee on Taxes and Tax Laws.

The Committee on Taxes and Tax Laws introduced:

Senate Bill No. 199. A Bill for an Act to Amend and Re-enact Section 2133 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Duties of the Township Board of Review, Complaints and Grievances With Reference Thereto, and Providing for an Appeal to the Board of County Commissioners, Repealing All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

Was read the first time and referred to the Committee on Taxes and Tax Laws.

The Committee on Taxes and Tax Laws introduced.

Senate Bill No. 200. A Bill for an Act Providing for a Uniform Fiscal Year for Organized Townships; Repealing All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

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

Senator Kroeber introduced:

Senate Bill No. 201. A Bill for an Act to Levy a Tax of One-half Cent on Each Kilowatt of Power Produced, Used, or Sold in the State of North Dakota and Providing for Disposition of Funds Collected.

Was read the first time and referred to the Committee on Taxes and Tax Laws.

Senators Thorson and Greene introduced:

SENATE CONCURRENT RESOLUTION "Q," "a Concurrent Resolution Providing for the Amendment of Section 156 of Article 9 of the Constitution of the State of North Dakota, Relating to the Board of University and School Lands and the Duties Thereof.

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

#### SECOND READING OF SENATE BILLS

Senate Bill No. 74. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Training School, Mandan, North Dakota.

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, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Owings
Blaisdell	Kolpin	Skarvold
Brostuen	Kroeber	Strehlow
Cain	Lavik	Streibel
Coffey	Lemke	Stucke
Crandall	Lian	Thorson
Drew	Lowe	Topp
Ettestad	Lynn	Trout
Fine	Magoffin	Vinje
Fowler	McGillic	Watt
Fredrickson	Morrison	Whelan
Gilbertson	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young
Guthrie	Olson	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Hulteng	Thatcher
Greene	Kamrath	

So the bill passed and the title was agreed to.

Senate Bill No. 75. A Bill for an Act Making an Additional Appropriation to Care for the Operating Expenses of the 1935-1937 Biennium of the State Training School, Mandan, 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, 41; nays, 1; absent and not voting, 7.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Brostuen	Kolpin	Owings
Coffey	Kroeber	Skarvold
Crandall	Lavik	Strehlow
Ettestad	Lemke	Streibel
Fine	Lian	Stucke
Fowler	Lowe	Thorson
Fredrickson	Lynn	Topp
Gilbertson	Magoffin	Trout
Greene	McGillic	Vinje
Gronvold	Morrison	Watt
Guenther	Mutchler	Whelan
Guthrie	Nelson, Barnes	Williams
Johnson	Nelson, Grand Fks.	Wog
Kamrath	Olson	

Those voting in the negative were:

Messrs.  
Aasen

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Drew	Thatcher
Blaisdell	Hulteng	Young
Cain		

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

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
February 8, 1937.

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

Senate Bill No. 38. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire, Travel and General Expenses of the Office of Veterans' Service Commissioner as Prescribed by Chapter 281, Laws of 1927, and Chapter 74, Laws of 1929.

Also,

Senate Bill No. 6. A Bill for an Act Making an Appropriation for the Maintenance of the State Capitol and for Improvements, Repairs, Insurance and Upkeep of Grounds.

Also,

Senate Bill No. 89. A Bill for an Act to Amend and Re-enact Section 3644 of the Compiled Laws of North Dakota

for the Year 1913, Relating to the Duties of City Boards of Equalization.

Also,

Senate Bill No. 84. A Bill for an Act to Amend and Re-enact Section 8247a21 of the 1925 Supplement to the Compiled Laws, North Dakota, 1913, Relating to Lien of Assessments in Irrigation Districts, Giving the Same Equality as Liens with General Taxes and Sale Thereof, Repealing All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Which the Speaker has signed.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

### SECOND READING OF SENATE BILLS

Senate Bill No. 99. A Bill for an Act Appropriating Money for the School of Mines at the University of North Dakota, to Supplement Federal Funds for the Investigation and Development of the Mineral Resources Within the Bounds of the State of North Dakota.

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, 1; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Nelson, Grand Fks.
Blaisdell	Johnson	Olson
Brostuen	Kamrath	Owings
Cain	Kolpin	Skarvold
Coffey	Kroeber	Strehlow
Crandall	Lavik	Streibel
Drew	Lemke	Stucke
Ettestad	Lian	Thorson
Fine	Lowe	Topp
Fowler	Lynn	Trout
Fredrickson	Magoffin	Vinje
Gilbertson	McGillic	Whelan
Greene	Morrison	Williams
Gronvold	Mutchler	Wog
Guenther	Nelson, Barnes	Young

Those voting in the negative were:

Messrs.  
Watt

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Hulteng	Thatcher

So the bill passed and the title was agreed to.

Senate Bill No. 101. A Bill for an Act to Amend and Re-enact Chapter 208 of the Session Laws of North Dakota for the Year 1935, Relating to Tax Limitations of Cities.

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, 1; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Nelson, Grand Fks.
Bilden	Johnson	Owings
Blaisdell	Kamrath	Skarvold
Brostuen	Kolpin	Strehlow
Cain	Kroeber	Streibel
Coffey	Lavik	Stucke
Crandall	Lemke	Thorson
Drew	Lian	Topp
Ettestad	Lowe	Trout
Fine	Lynn	Vinje
Fowler	Magoffin	Watt
Fredrickson	McGillic	Whelan
Gilbertson	Morrison	Williams
Greene	Mutchler	Wog
Gronvold	Nelson, Barnes	Young
Guenther		

Those voting in the negative were:

Messrs.  
Olson

Absent and not voting:

Messrs.                      Messrs.  
Hulteng                      Thatcher

So the bill passed and the title was agreed to.

Senate Bill No. 157. A Bill for an Act Concerning Changes in the Tariffs, Rates, Joint Rates, Fares, Tolls, Schedules or Classifications or Service; Repealing All Acts or Parts of Acts in Conflict Herewith; and Declaring this Act to be an Emergency Measure.

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, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Nelson, Grand Fks.
Bilden	Johnson	Olson
Blaisdell	Kamrath	Owings

Messrs.	Messrs.	Messrs.
Brostuen	Kolpin	Skarvold
Cain	Kroeber	Strehlow
Coffey	Lavik	Streibel
Crandall	Lemke	Stucke
Drew	Lian	Thorson
Ettestad	Lowe	Topp
Fowler	Lynn	Vinje
Fredrickson	Magoffin	Watt
Gilbertson	McGillic	Whelan
Greene	Morrison	Williams
Gronvold	Mutchler	Wog
Guenther	Nelson, Barnes	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fine	Thatcher	Trout
Hulteng		

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

Senate Bill No. 59. A Bill for an Act Prohibiting Dances in or on Premises, or Premises Adjacent to a Place Where Intoxicating Liquors are Sold as a Beverage; Defining the Duties of States Attorneys and Peace Officers; and Declaring and Emergency.

Was read the second time.

Senator Nelson of Grand Forks moved that Senate Bill No. 59 be amended as follows:

In line 6 of Section 1, following the word "beverage," strike out the period, insert a comma, and add the following language: "Provided, however, that when the dance is only attended by members of the male sex, the above provisions do not apply."

Which motion was lost.

#### ROLL CALL

The question being on the final passage of Senate Bill No. 59, the roll was called and there were ayes, 39; nays, 9; absent and not voting, 1.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Strehlow
Bilden	Kroeber	Streibel
Blaisdell	Lavik	Stucke
Brostuen	Lemke	Thatcher
Cain	Lynn	Thorson
Coffey	Magoffin	Topp
Crandall	McGillic	Trout
Drew	Morrison	Vinje
Fine	Mutchler	Watt
Fowler	Nelson, Barnes	Whelan



Messrs.	Messrs.	Messrs.
Fredrickson	Olson	Williams
Greene	Owings	Wog
Gronvold	Skarvold	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Ettestad	Johnson	Lian
Gilbertson	Kamrath	Lowe
Guenther	Kolpin	Nelson, Grand Fks.

Absent and not voting:

Messrs.  
Hulteng

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

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
February 8, 1937.

Mr. President: I have the honor to inform you that the House has refused to concur in the Senate amendment to House Bill No. 17, and the Speaker has appointed as a conference committee to act with a like committee from the Senate, Representatives Olson of Bowman, Twichell and Hagen.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

Senator Fine requested that the Senate return to the Fifth Order of Business.

Which request was granted.

#### REPORTS OF STANDING COMMITTEES

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 71, have had the same under consideration and recommend that the same be indefinitely postponed.

B. W. LEMKE,  
Chairman.

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

A minority of the Committee on Education made the following report:

Mr. President: A minority of your Committee on Education to whom was referred House Bill No. 36, have had the same under consideration and recommend that the same be indefinitely postponed.

TOM WHELAN,  
JOHN CRANDALL.

A majority of the Committee on Education made the following report:

Mr. President: The majority of your Committee on Education to whom was referred House Bill No. 36, have had the same under consideration and recommend that the same do pass.

E. F. MUTCHLER,  
R. M. STREIBEL,  
SYVER VINJE,  
W. J. TROUT,  
ANDREW SKARVOLD,  
ED. LIAN,  
G. F. DREW,  
C. W. FINE, Chairman.

Senator Fine moved that the report of the majority be adopted.

Senator Whelan moved, as a substitute motion, that the report of the minority be substituted for the report of the majority.

Roll call demanded and granted.

### ROLL CALL

The question being on adoption of the minority report on House bill No. 36, the roll was called and there were ayes, 20; nays, 28; absent and not voting 1.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Gilbertson	Magoffin
Blaisdell	Gronvold	McGillie
Cain	Guenther	Nelson, Grand Fks.
Coffey	Guthrie	Strehlow
Crandall	Kroeber	Watt
Fowler	Lowe	Whelan
Fredrickson	Lynn	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Bilden	Lemke	Stucke
Brostuen	Lian	Thatcher
Drew	Morrison	Thorson
Ettestad	Mutchler	Topp
Fine	Nelson, Barnes	Trout
Greene	Olson	Vinje
Johnson	Owings	Williams

Messrs.  
Kamrath  
Kolpin  
Lavik

Messrs.  
Skarvold  
Streibel

Messrs.  
Wog  
Young

Absent and not voting:

Messrs.  
Hulteng

So the motion was declared lost.

The question being on the motion of Senator Fine, that the report of the majority be adopted, the motion prevailed and the report was adopted.

The President called Senator Watt to the chair.

FIRST READING OF HOUSE BILLS

House Bill No. 60. A Bill for an Act Making an Appropriation to Provide Funds for the Payment of a Deficit in the Office of the Commissioner of Agriculture and Labor.

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

House Bill No. 142. A Bill for an Act Providing for the Establishment of Voting Precincts in All Special and Independent School Districts; Requiring Establishment of Polling Places for Each 5,000 Inhabitants; Providing for Appointment of Election Officials, Fixing Their Powers, Duties and Compensation and Repealing All Acts or Parts of Acts in Conflict Herewith.

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

House Bill No. 128. A Bill for an Act to Amend and Re-enact Section 3846 of the Compiled Laws of North Dakota for 1913, fixing the hours during which the polls shall be open at an election upon the question of whether or not a proposed Village shall incorporate.

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

House Bill No. 129. A Bill for an Act to Amend and Re-enact Section 3852 of the Compiled Laws of North Dakota for 1913, Fixing the Hours During Which the Polls Shall Be Open at Annual Village Elections: Declaring an Emergency.

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

House Bill No. 47. A Bill for an Act Making an Appropriation for the Purpose of Paying Travel Expenses of the Office of the State Examiner, as Provided by Chapter 71, Session Laws of 1933.

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

House Bill No. 77. A Bill for an Act Making an Appropriation to the Secretary of State for the Payment of the Cost of Printing the 1933-1934 Public Documents, and Declaring an Emergency.

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

House Bill No. 44. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses for the Tuberculosis Sanatorium at San Haven, North Dakota.

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

House Bill No. 96. A Bill for an Act Making an Appropriation to Make Up the Deficits in the Fund Known as "The Insurance Tax to Fire Departments" for the Purpose of Paying Insurance Tax to the Various Fire Departments of the State in Compliance With the Provisions of Sections 3993 to 3998, Inclusive, of the Compiled Laws of 1913.

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

#### SECOND READING OF SENATE BILLS

Senate Bill No. 107. A Bill for an Act to Amend and Re-enact Section 7971, Compiled Laws of 1913, Relating to Actions of quo warranto Against Usurping Officers and Others.

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, 13; absent and not voting 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Morrison
Bilden	Guthrie	Mutchler
Brostuen	Johnson	Nelson, Grand Fks.
Cain	Kolpin	Strehlow
Coffey	Kroeber	Thorson
Crandall	Lavik	Topp
Drew	Lian	Vinje
Fine	Lowe	Watt
Fowler	Lynn	Whelan
Fredrickson	Magoffin	Wog
Gilbertson	McGillic	Young
Gronvold		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Nelson, Barnes	Streibel
Ettestad	Olson	Thatcher

Messrs.	Messrs.	Messrs.
Greene	Owings	Trout
Kamrath	Skarvold	Williams
Lemke		

Absent and not voting:

Messrs.	Messrs.
Hulteng	Stucke

So the bill passed and the title was agreed to.

SECOND READING OF HOUSE BILLS

House Bill No. 18. A Bill for an Act to Provide for the Taxation of Drilling Rigs and All Other Equipment Used in Prospecting for Oil and Gas in the State of North Dakota.

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, 33; nays, 5; absent and not voting 11.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Johnson	Olson
Blaisdell	Kolpin	Skarvold
Brostuen	Kroeber	Streibel
Cain	Lemke	Stucke
Drew	Lian	Topp
Ettestad	Lowe	Trout
Fowler	Lynn	Vinje
Fredrickson	Magoffin	Watt
Greene	Morrison	Whelan
Guenther	Mutchler	Wog
Guthrie	Nelson, Barnes	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Owings	Thatcher
Coffey	Strehlow	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Crandall	Hulteng	Nelson, Grand Fks.
Fine	Kamrath	Thorson
Gilbertson	Lavik	Williams
Gronvold	McGillic	

So the bill passed and the title was agreed to.

House Bill No. 73. A Bill for an Act to Amend and Re-enact That Certain Initiated Law Entitled: "An Act Reducing, Equalizing and Fixing Allowances for Mileage and Travel Expense of State Officials, Elective and Appointive, Their Deputies, Assistants, Clerks and Other State Employees, and

Repealing All Acts and Parts of Acts in so far as They Are in Conflict Herewith, and Taking Effect as to All Except Elective Officials on the 30th Day of July, 1932, and as to Elective Officials Upon Their Election and Qualification Hereafter," Adopted and Approved by the Electors at the June 29th, 1932, Primary Election, Reducing and Fixing Allowances for Mileage and Travel Expense of State Officials, Elective and Appointive, Their Deputies, Assistants, Clerks and Other State Employees, Providing for the Filing of an Itemized Statement Thereof, Repealing All Acts and Parts of Acts in Conflict Herewith 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, 4; absent and not voting, 9.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Blaisdell	Johnson	Owings
Brostuen	Kamrath	Skarvold
Cain	Kolpin	Streibel
Coffey	Kroeber	Stucke
Drew	Lemke	Topp
Ettestad	Lian	Trout
Fowler	Lowe	Vinje
Fredrickson	Lynn	Watt
Greene	Morrison	Whelan
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Magoffin	Strehlow	Thatcher
Mutchler		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Gilbertson	McGillic
Crandall	Hulteng	Thorson
Fine	Lavik	Williams

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

House Bill No. 78. A Bill for an Act Providing for the Registration of Public Contractors, and Defining the Term Public Contractor; Providing the Requirements and Method of Obtaining a License to Engage in the Business of Public Contracting in the State of North Dakota; Classifying and Fixing the Fee for Such License; Providing the Method of Suspension, Cancellation and Reinstatement Thereof; Providing Added Requirements in Bond of Foreign Contractor; Prescribing Penalties for the Violation of This Act; and Re-

pealing All Acts or Parts of Acts in Conflict With the Provisions Hereof, 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, 29; nays, 15; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Stucke
Blaisdell	Kamrath	Thorson
Brostuen	Kolpin	Topp
Cain	Kroeber	Trout
Drew	Lemke	Vinje
Fine	Lian	Watt
Fowler	Lynn	Whelan
Fredrickson	Morrison	Wog
Gilbertson	Nelson, Grand Fks.	Young
Gronvold	Strehlow	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Coffey	Johnson	Olson
Crandall	Lavik	Owings
Ettestad	Lowe	Skarvold
Greene	Mutchler	Streibel
Guthrie	Nelson, Barnes	Thatcher

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Magoffin	Williams
Hulteng	McGillic	

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

Senator Ettestad requested a separate roll call on the emergency clause on House Bill No. 78.

Which request was granted.

ROLL CALL

The question being on the passage of the emergency clause on House Bill No. 78, the roll was called and there were ayes, 28; nays, 16; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Gronvold	Nelson, Grand Fks.
Brostuen	Guenther	Owings
Cain	Kamrath	Stucke
Drew	Kolpin	Thorson
Ettestad	Kroeber	Topp

Messrs.	Messrs.	Messrs.
Fine	Lemke	Vinje
Fowler	Lian	Watt
Fredrickson	Lynn	Whelan
Gilbertson	Morrison	Wog
Greene		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Lowe	Strehlow
Coffey	Mutchler	Streibel
Crandall	Nelson, Barnes	Thatcher
Guthrie	Olson	Trout
Johnson	Skarvold	Young
Lavik		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Magoffin	Williams
Hulteng	McGillic	

So the emergency clause was declared lost.

#### SENATE COMMITTEE ON ENROLLMENT AND ENGRESSMENT

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. 73. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, New Building, Equipment and Miscellaneous Items for the Grafton State School at Grafton, North Dakota.

And find the same correctly engrossed.

WM. KROEBER,  
Chairman.

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

The President resumed the chair.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 73. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, New Building, Equipment and Miscellaneous Items for the Grafton State School at Grafton, North Dakota.

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, 41; nays, 0; absent and not voting, 8.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Skarvold
Blaisdell	Kamrath	Strehlow
Brostuen	Kolpin	Streibel
Coffey	Kroeber	Stucke
Crandall	Lavik	Thatcher
Drew	Lemke	Thorson
Ettestad	Lian	Topp
Fine	Magoffin	Trout
Fowler	Morrison	Vinje
Fredrickson	Mutchler	Watt
Greene	Nelson, Barnes	Whelan
Gronvold	Nelson, Grand Fks.	Wog
Guenther	Olson	Young
Guthrie	Owings	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Hulteng	McGillie
Cain	Lowe	Williams
Gilbertson	Lynn	

So the bill passed and the title was agreed to.

Senator Thatcher moved that the President appoint a conference committee of three to confer with a like committee from the House on House Bill No. 17, which motion prevailed.

The President appointed the following committee: Senators Thatcher, Brostuen and Aasen.

The Secretary announced that the President was about to sign Senate Resolution "M," Senate Resolution "N," and Senate Bill No. 14, and the President signed the same in the presence of the Senate.

Senator Lowe moved that the Senate do now recess until 1:00 o'clock tomorrow, which motion prevailed.

The Senate stood recessed.

COURTESIES OF THE FLOOR

The courtesies of the floor were extended to:

Ray Heddens, Rolla; Dr. Larry McLane, Commander, Soldiers Home, Lisbon; Mrs. J. O. Bergheim, Bismarck; Ellsworth Hutmacher, Mandan; Wilfred Renke, Dickinson; Edwin A. Stahlberg, Kenmare; E. B. Fisher, Fairview, Mont.; Ernest Leland, Cartwright; R. A. May, Watford City.

THOMAS McDONALD,  
Secretary.

THIRTY-FIFTH DAY AFTER RECESS AND  
THIRTY-SIXTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
February 9, 1937.

The Senate convened at 1:00 o'clock P. M., pursuant to recess taken, President Thoresen presiding.

MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 9, 1937.

Mr. Speaker: I have the honor to return herewith the following bills:

House Bill No. 4. A Bill for an Act Making an Appropriation for the Care of Insane Patients Whose Residence Cannot be Determined and Whose Care Must be Borne by the State.

Also,

House Bill No. 52. A Bill for an Act to Validate and Legalize Proceedings Taken Under Chapter 116, Laws 1919, to Establish and Construct Flood Irrigation Projects, Issue Bonds, Warrants and Other Evidences of Indebtedness to Finance the Cost of Such Projects, Levy Assessments and Taxes for the Payment of Such Indebtedness, and Declaring Such Obligations and Obligations Issued or to Be Issued to Fund Such Indebtedness Valid and Legal, and Declaring an Emergency.

Which the Senate has passed unchanged.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 9, 1937.

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

Senate Bill No. 137. A Bill for an Act Vesting in and Imposing Upon the State Welfare Board Additional Powers and Duties, Repealing Sections 283b6 and 283b7, Supplement to the Compiled Laws, 1913, and Declaring an Emergency.

Also,

Senate Bill No. 132. A Bill for an Act to Repeal Chapter 254, Laws 1933, Relating to Old Age Pensions and to Cancel All Claims or Rights of Claim on Behalf of the State or Any County by Virtue of Pensions Paid Under Said Act and All Transfers of Property Made by Any Applicant for Pension Under Said Act.

Also,

Senate Bill No. 22. A Bill for an Act Amending and Re-enacting Section 2 of Chapter 222 of the Session Laws of 1931.

Also,

Senate Bill No. 65. A Bill for an Act to Amend and Re-enact Section 6, of Chapter 108, of the Session Laws of 1935, Relating to Credit Unions in the State of North Dakota.

Also,

Senate Bill No. 85. A Bill for an Act to Amend Chapter 94 of the Laws of 1935, Relating to Loans and Investments Under the National Housing Act so as to Make Mortgages Insured and Debentures Issued by the Federal Housing Administrator Eligible for Deposit; and for Clarification Purposes.

Also,

Senate Bill No. 20. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary and Miscellaneous General Expenses of the Department of Minimum Wage.

Also,

Senate Bill No. 129. A Bill for an Act Making Provision for the Use of Business Records as Evidence and Making Uniform the Law with Reference Thereto.

Also,

Senate Bill No. 130. A Bill for an Act for the Judicial Notice of the Laws of Other Jurisdictions and for Proof Thereof and to Make Uniform the Law With Reference Thereto.

Also,

Senate Bill No. 131: A Bill for an Act Providing for the Use of Official Reports as Evidence and Making Uniform the Law With Reference Thereto.

Also,

Senate Bill No. 119. A Bill for an Act Regulating All Ben-

evolent Corporations, Associations or Societies Operating on Voluntary or Involuntary Assessment or Contribution Plan, Which Provide for Protective and/or Indemnity Benefits, Excepting Benevolent Corporations as Defined by Chapter 23, Compiled Laws of 1931, and for the Repeal of Chapter 160 of the Session Laws of 1931, and Acts or Parts of Acts in Conflict Herewith.

Also,

SENATE CONCURRENT RESOLUTION "L"

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

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 9, 1937.

Mr. Speaker: I have the honor to inform you that the President has appointed as a Conference Committee on House Bill No. 17, Senators Thatcher, Brostuen and Aasen.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 9, 1937.

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

SENATE RESOLUTION "M"

Which the President has signed and your signature is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 9, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bill:

Senate Bill No. 14. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the State Historical Society.

Which the President has signed and your signature is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### FIRST READING OF SENATE BILLS

The Committee on Judiciary introduced:

Senate Bill No. 202. A Bill for an Act Repealing Sections 7770, 7771, 7772, 7773, 7774, 7775 and 7776 of the Compiled Laws for 1913, Dealing with Amercement of Sheriff and Clerk of Court and Procedure, and Abolishing Amercement Proceedings.

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

Senator Thorson introduced:

Senate Bill No. 203. A Bill for an Act Providing for the Compromising, Adjustment and Payment of Delinquent Real Property Taxes and Declaring an Emergency.

Was read the first time and referred to the Committee on Taxes and Tax Laws.

Senator Thorson introduced:

Senate Bill No. 204. A Bill for an Act to Amend and Re-enact Chapter 98 of the Session Laws of North Dakota for the Year 1935, Entitled as Follows: "An Act to Amend and Re-enact Section Six (6) of That Certain Initiated Law Adopted by the Voters of the State of North Dakota at the Special Election Held September 22, 1933, Entitled as Follows: "An Act Defining and Providing for the Manufacture, Sale and Distribution of Beer, Providing Revenue Therefrom, and Licenses Therefor, Prohibiting the Transfer of Licenses, Excluding Certain Persons from the Right to Purchase the Same, Appointing a State Beer Commissioner and Defining His Powers, Duties, and Salary; Authorizing Cities, Villages and County Commissioners to Provide a Local Tax and Prescribe Rules and Regulations Under Which Beer May Be Sold and Authorizing Municipalities to Provide Penalties for Violation of Their Regulations; Providing for the Administrative Expense of This Act; Making It Unlawful for Any Person to Engage in the Manufacture or Sale of Beer Without First Obtaining a License Therefor; Providing a Penalty for the Violation of the Provision Thereof; Providing for a Saving Clause as to Constitutionality; and Repealing Senate Bill No. 263, Passed by the 23rd Legislative Assembly of the State of North Dakota, and All Acts or Parts of Acts in Conflict With This Act, and Making an Appropriation to Carry Out the Provisions Thereof," and Declaring an Emergency."

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

Senators Stucke and Fredrickson introduced:

Senate Bill No. 205. A Bill for an Act Empowering the State Public Health Advisory Council to Make, Amend, Repeal and Suspend Public Health Regulations Concerning the Production, Transportation, Processing, Handling, Sampling, Examination, Grading, Labeling, Regrading, and Sale of Milk and Milk Products, the Inspection of Health Certificates on Dairy Herds, Dairies and Milk Plants.

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

Senator Lavik introduced:

Senate Bill No. 206. A Bill for an Act to Amend and Re-enact Chapter 158, Session Laws of 1933, Relating to Foreclosure of Mortgages by Advertisement.

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

Senator Guthrie introduced:

Senate Bill No. 207. A Bill for an Act Making an Appropriation for the Payment of Expenses to Be Incurred and Premiums Paid by the North Dakota State Corn Show and the Missouri Slope Poultry Show.

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

The Committee on Judiciary introduced:

Senate Bill No. 208. A Bill for an Act to Amend and Re-enact Chapter 244 of the Session Laws of North Dakota for 1935, Requiring Judgment Creditors to File an Affidavit Identifying the Judgment Debtor, Forbidding Clerks of Court, and Other Officers to Enter Judgments Without Affidavits of Identification, and Providing a Penalty for Failure to Comply With This Law.

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

Senator Blaisdell introduced:

Senate Bill No. 209. A Bill for an Act Repealing Chapter 184 of the Session Laws of 1931 Entitled "An Act to Relieve the Owner, Driver or Person Responsible for the Operation of a Motor Vehicle Upon the Public Highways from Civil Liability for the Accidental Death or Injury to a Guest Riding in Such Vehicle, Except in Case of Intoxication, Wilfull Misconduct or Gross Negligence" and Any Act Amendatory Thereof.

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

Senator Thorson introduced:

Senate Bill No. 210. A Bill for an Act to Provide for the Allocation and Use of Moneys Received by County Treasurers Under the Initiated Liquor Control Act Submitted to and

Approved by the Electorate of the State of North Dakota on November 3rd, 1936, and to Replace Therewith to the Extent Thereof, the Taxes on Real Estate Levied and Assessed for the Purpose of Conducting and Operating the Common Schools.

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

Senator McGillic introduced:

Senate Bill No. 211. A Bill for an Act to Repeal Section 3684a10 of the Supplement to the Compiled Laws of 1913 and Chapter 189 of the Session Laws of 1935, Relating to the City Budget Law.

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

Senator Thatcher introduced:

Senate Bill No. 212. A Bill for an Act Providing for the Cancellation and Release of Gas and Oil Leases Which Have Expired by the Terms Thereof and Have Not Been Renewed of Record Within Five Years After the Expiration Thereof, and Declaring an Emergency.

Was read the first time and referred to the Committee on Mines and Minerals.

Senators McGillic and Young introduced:

Senate Bill No. 213. A Bill for an Act to Amend and Re-enact Section 2093 of the Supplement to the Compiled Laws of 1913, Defining Manner of Listing Real and Personal Property and Declaring an Emergency.

Was read the first time and referred to the Committee on Taxes and Tax Laws.

Senators McGillic and Young introduced:

Senate Bill No. 214. A Bill for an Act to Amend and Re-enact Section 3314a6 of the Supplement to the Compiled Laws of 1913, Providing that all Expenditures Must Conform to the County Budget as Adopted; Providing that no Bill Incurred in Excess of Any Budget Item May be Paid or Included in Any Succeeding Appropriation or Budget, and Defining Duties of County Auditor.

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

Senator Blaisdell introduced:

Senate Bill No. 215. A Bill for an Act Providing for the Renewal of Mechanic's Liens and for the Cancellation and Discharge Thereof Unless Renewed Within Six Years From the Date of Filing.

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

Senator Owings introduced:

Senate Bill No. 216. A Bill for an Act to Repeal Chapter 255 of the Session Laws of 1931, Relating to Teachers Oath or Affirmation to Be Taken and Subscribed to By Professors, Instructors and Teachers in Public Schools, Colleges and Universities of this State.

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

Senator Thatcher introduced:

Senate Bill No. 217. A Bill for an Act to Amend Section 578b4 of the 1925 Supplement to the Compiled Laws of North Dakota 1913 as amended by Chapter 139 of the 1927 Session Laws, and Eliminating Therefrom the Requirement That a Master Electrician Furnish a Surety Bond to the State Board of Electricians, and Repealing all Acts or Parts of Acts in Conflict Herewith.

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

Senators Trout and Lowe introduced:

Senate Bill No. 218. A Bill for an Act Providing for the Payment of a Bounty on Crows.

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

Senator Fowler (by request) introduced:

Senate Bill No. 219. A Bill for an Act to Amend and Re-enact Sections 2 and 3 of That Certain Initiated Measure Approved by the People of North Dakota on June 29th, 1932, Reducing and Fixing Salaries of County Officials; Providing for Appointment of Certain Deputies, Clerks and Assistants, Fixing Their Salaries; for Payment of All Fees to Counties, etc., Repealing Certain Acts in Conflict With Such Initiated Measures, and Declaring an Emergency.

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

Senator Kroeber introduced:

Senate Bill No. 220. A Bill for an Act to Repeal Chapter 138 of the Session Laws of North Dakota for the Year 1929 as Amended by Chapter 138 of the Session Laws of North Dakota for the Year 1931, Providing for the Storage of Grain Upon Farms and On or Near Railway Rights-of-Way Within the State of North Dakota; Regulating the Same for the Purpose of Procuring Loans Upon Such Grain; Making Provisions for the Issuance of Negotiable Warehouse Certificates Upon Grain so Stored, Not in a Public Warehouse; Creating the Office of "Grain Storage Commissioner of North Dakota", Prescribing His Duties and Empowering Him to Make Rules and Regulations Necessary or Advisable to the Purposes of Such Act; Prescribing Penalties for the Violation of the Pro-



visions Thereof; and Repealing All Acts and Parts of Acts in Conflict Therewith.

Was read the first time and referred to the Committee on Warehouse and Grain Grading.

Senator Kroeber introduced:

Senate Bill No. 221. A Bill for an Act Authorizing the Appointment of a Person Holding an Appointive State Office Without Additional Salary.

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

Senators McGillic, Aasen, Nelson of Barnes, Young and Strehlow introduced:

Senate Bill No. 222. A Bill for an Act Establishing and Defining the Powers and Duties of a State Soil Conservation Committee; Providing for the Creation of Soil Conservation Districts and Defining the Powers and Duties Thereof; Empowering Such Districts to Adopt Programs and Regulations in Connection With Land Use Practices; Providing for the Selection of District Supervisors; Providing for the Adoption of Land Use Regulations and Providing Penalty for Violation of the Same; Providing for Boards of Adjustment in Connection With Land Use Regulations; Providing for the Discontinuance of Districts; Making an Appropriation and Declaring an Emergency.

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

Senator Thatcher introduced:

Senate Bill No. 223. A Bill for an Act to Amend and Re-enact Section 4361 of the Compiled Laws of North Dakota, 1913, as Amended by Chapter 160 of the 1929 Session Laws and by Chapter 179 of the 1931 Session Laws, Relating to Marriage Licenses and Solemnization of Marriages, and Providing That a Period of Not Less than Five Days Shall Elapse Between the Issuance of License and the Solemnization of the Marriage in Every Instance, and Repealing All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

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

Senator Olson introduced:

Senate Bill No. 224. A Bill for an Act to Amend and Re-enact Section 860, Compiled Laws of North Dakota of 1913, Providing for the Adoption and Creation of Political Parties, and the Preparation of Ballots and the Arrangement of Names on Ballots for Primary and General Elections, Including Candidates for Congress of the United States.

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

Senator Lynn (by request) introduced:

Senate Bill No. 225. A Bill for an Act Amending and Re-enacting Section 10596 of the Compiled Laws of 1913 with Reference to Allowing Accused Counsel on Preliminary Examination, and Providing for Appointment of Counsel for Indigent Defendants by Magistrate.

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

Senator Johnson introduced:

Senate Bill No. 226. A Bill for an Act Amending and Re-enacting Section 69 of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, Relating to Printing of Popular and Authenticated Editions of the Session Laws, Reducing Numbers of Copies of Popular Editions Required to Be Printed, and Repealing All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

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

Senator Nelson of Grand Forks introduced:

Senate Bill No. 227. A Bill for an Act Re-establishing the North Dakota Mill and Elevator Association; Providing for the Creation of the Board of Managers and Defining Its Powers, Duties, and Qualifications to Such Board; Providing for the Appointment of an Auditor and for the Filling of Vacancies on Such Board; Providing for Removal of Members of Such Board; Providing for the Organization of Such Board and the Matter of Conducting Business; Providing Procedure in Actions Brought Against Such Association; Providing for Employees and Bonds; Providing for Examination by the State Examiner and Repealing Chapter 268 of Session Laws of 1931 and Chapter 193 of the Session Laws of 1933.

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

Senator Nelson of Grand Forks introduced:

Senate Bill No. 228. A Bill for an Act Making an Appropriation for Constructing a Medical School Building, Furnishing and Equipping the Same at the State University at Grand Forks, North Dakota, Providing a Substantial Sum Is Obtained From the Federal Government or Any of Its Agencies, to Aid in the Construction, Furnishing and Equipping Said Building.

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

Senators Watt and Strehlow introduced:

Senate Bill No. 229. A Bill for an Act Relating to Capital Punishment and Providing for the Enforcement and Execution of the Death Penalty.

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

The President called the President pro tem to the chair.

Senator Whelan introduced:

Senate Bill No. 230. A Bill for an Act to Repeal Sections 9975 and 9976 of the Compiled Laws of 1913.

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

Senator Mutchler introduced:

Senate Bill No. 231. A Bill for an Act Providing for the Abolition of the Office of Common School District Treasurer Upon Majority Vote at Annual School Elections.

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

Senators Johnson and Stucke introduced:

Senate Bill No. 232. A Bill for an Act to Amend and Re-enact Section 959 of the Supplement to the Compiled Laws of 1913 Relating to Election Ballots.

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

The Committee on Taxes and Tax Laws introduced:

Senate Bill No. 233. A Bill for an Act to Establish in the Office of the State Tax Commissioner a Division of Municipal Accounts and Finance, Prescribing the Duties of Such Division, Prescribing the Rendering of Reports and the Filing of Budgets by Political Subdivisions and Prescribing a Penalty for Failure to Do So, Repealing All Acts or Parts of Acts in Conflict Therewith, and Declaring an Emergency.

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

The Committee on Taxes and Tax Laws introduced:

Senate Bill No. 234. A Bill for an Act to Amend and Re-enact Section 3684a2 of the Supplement to the Compiled Laws of North Dakota for the Year 1913, as Amended by Chapter 187 of the 1927 Session Laws for North Dakota, Providing for the Definition of "Council" and "Municipality" in the City Budget Law; Repealing All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

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

The Committee on Taxes and Tax Laws introduced:

Senate Bill No. 235. A Bill for an Act Establishing a State Board of Public Finance, Setting Out the Membership Thereof, Defining the Duties of Such Board, Making It Unlawful for Any State Officer, Superintendent, Manager or

Head of Any State Department to Purchase or Sell Securities for or on Behalf of the State and Providing a Penalty Therefor; Repealing All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

Was read the first time and referred to the Committee on Taxes and Tax Laws.

Senators Watt, Lavik, Olson, Lowe, Drew, Young, Mutchler and Crandall introduced:

Senate Bill No. 236. A Bill for an Act Prohibiting the Admission of Any Minor Into Any Retail Liquor Store in the State of North Dakota Holding an "On Sale" License Under the Provisions of the Liquor Control Act of This State, and Requiring Rigid Enforcement of This Act by Police Officials and State's Attorneys, and Declaring an Emergency.

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

Senator Lowe moved that the Senate do now adjourn, which motion prevailed.

The Senate stood adjourned.

THOMAS McDONALD,  
Secretary.

### THIRTY-SIXTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
February 9, 1937.

The Senate convened at 2:00 P. M., pursuant to adjournment, the President pro tem presiding.

Prayer by the Chaplain, Captain Frank H. Larson, Mandan.

Roll Call: All members present except Senator Hulteng.

Senator Trout moved that the absent Senator be excused.

Which motion prevailed.

### REVISION AND CORRECTION OF THE JOURNAL

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 Thirty-fifth Day and recommend that the same be corrected as follows:

On page 470, line 36, strike out the word "return" and insert in lieu thereof the word "transmit".

On page 514, roll call on Senate Bill No. 59, show McGillic voting "aye" instead of "no," and correct total to read, "ayes," 39; nays, 9; absent and not voting, 1."

And when so corrected recommend that the same be approved.

C. C. MORRISON,  
Chairman.

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

#### PETITIONS AND COMMUNICATIONS

The following petitions and communications were received, read from the desk, and referred to the appropriate committees:

A petition signed by 200 citizens of Morton County urging the defeat of House Bill No. 15.

A communication from the Department Commander of the Associated Patriotic Bodies of Fargo, enclosing resolutions adopted by that organization, urging the defeat of House Bill No. 36.

#### MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
February 9, 1937.

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

House Bill No. 82. A Bill for an Act to Amend and Re-enact Subsection "C" of Section 2166, Supplement to the Compiled Laws of 1913 as Amended and Re-enacted by Chapter 279, Session Laws of 1931, Relating to the Collection of Delinquent Personal Property Taxes and Prescribing the Duties of the County Treasurer and Sheriff in Connection With the Collection Thereof.

Also,

House Bill No. 84. A Bill for an Act to Amend and Re-enact Sections Three (3) and Six (6) of Chapter 116 of the Session Laws of 1927, Relating to the Furnishing of Seed and Feed by Counties, and Declaring an Emergency.

Also,

House Bill No. 146. A Bill for an Act to Protect the Public Health and Morals by Prohibiting the Employment of Females Under the Age of Eighteen Years in Certain Places Where Beer or Alcoholic Beverages Are Sold, Providing a Penalty for the Violation of the Provisions Hereof, and Declaring an Emergency.

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

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck North Dakota,  
February 9, 1937.

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

House Bill No. 83. A Bill for an Act to Amend and Re-enact Sections 4 and 6 of Chapter 92, Providing for the Consolidation of Counties and Parts of Counties; the Petition and Election Therefor; the Vote Thereon; Result Thereof; and Proclamation by the Governor; the Officers; Expiration of Their Terms and Transfer of all Books, Records and Property; Nominations When Void; the Transfer and Trial of All Actions; the Debts, Taxes and Issuance of Bonds or Certificates of Indebtedness, and Repealing All Acts in Conflict.

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

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 9, 1937.

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

House Bill No. 19. A Bill for an Act to Provide for the Distribution of all Moneys Received From the Treasury of the United States, Under the Provisions of the Act of Congress of February 25, 1920 (Public Number 146) to Place the Same in the State Equalization Fund of the State of North Dakota, and to Be Distributed as Provided by Chapter 260 of the Laws of the State of North Dakota for 1935.

Also,

House Bill No. 30. A Bill for an Act Making a Special Appropriation for the General Maintenance, Improvements and Repairs and Equipment for the New Addition to the Infirmary of the State Tuberculosis Sanatorium at San Haven, North Dakota, from April 1, 1937, to June 30, 1937, and Declaring an Emergency.

Also,

House Bill No. 32. A Bill for an Act to Amend and Re-enact Section 1 and 2 of Chapter 195 of the Session Laws for 1935, Relating to Funding and Refunding Existing Indebtedness of Municipalities, and Declaring an Emergency.

Also,

House Bill No. 76. A Bill for an Act Making an Emergency Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the Motor Vehicle Registration Department.

Which the Speaker has signed and your signature is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### REPORT OF STANDING COMMITTEES

A Minority of the Committee on Judiciary made the following report:

Mr. President: A Minority of your Committee on Judiciary to whom was referred Senate Bill No. 72, have had the same under consideration and recommend that the same be amended as follows:

Line 15, Section 1, strike out the word "two" and insert in lieu thereof the word "one."

Line 17, Section 1, strike out the word "two" and insert in lieu thereof the word "one."

And when so amended recommend the same do pass.

TOM WHELAN  
ANDREW SKARVOLD  
E. C. STUCKE,  
OLE ETTESTAD  
O. E. BILDEN  
J. C. BLAISDELL, Jr.

A Majority of the Committee on Judiciary made the following report:

Mr. President: A Majority of your Committee on Judiciary to whom was referred Senate Bill No. 72, have had the same under consideration and recommend that the same be indefinitely postponed.

GEORGE V. COFFEY  
HARRY C. LYNN  
A. W. FOWLER  
JAMES W. GUTHRIE  
MAX H. STREHLOW  
F. T. GRONVOLD  
BEN GILBERTSON  
J. P. CAIN, Chairman.

Senator Cain moved that the report of the Majority be adopted.

Senator Blaisdell moved that the minority report be substituted for the majority report.

Roll call demanded and granted.

#### ROLL CALL

The question being on the adoption of the minority report

on Senate Bill No. 72, the roll was called and there were ayes, 25; nays, 20; absent and not voting 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Lemke	Thatcher
Blaisdell	Lowe	Thorson
Ettestad	Lynn	Topp
Fine	Mutchler	Trout
Greene	Olson	Whelan
Johnson	Owings	Williams
Kamrath	Skarvold	Wog
Kolpin	Stucke	Young
Lavik		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Gilbertson	McGillic
Cain	Gronvold	Nelson, Barnes
Coffey	Guenther	Nelson, Grand Fks.
Crandall	Guthrie	Strehlow
Drew	Kroeber	Vinje
Fowler	Lian	Watt
Fredrickson	Magoffin	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Morrison	Streibel
Hulteng		

So the minority report was declared adopted.

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 118, have had the same under consideration and recommend that the same be amended as follows:

In line 3 of the title, strike out the "period," and insert a "comma" in lieu thereof and add the following words: "and Declaring an Emergency."

In line 11, strike out the "parenthesis" and "part time."

At the end of the bill, add Section 2: "Sec. 2. 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 that the same do pass.

B. W. LEMKE,  
Chairman.

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



The Committee on Temperance made the following report:

Mr. President: Your Committee on Temperance to whom was referred Senate Bill No. 121, have had the same under consideration and recommend that the same be indefinitely postponed.

OLE ETTESTAD,  
Chairman.

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

The Committee on Elections made the following report:

Mr. President: Your Committee on Elections to whom was referred Senate Bill No. 122, have had the same under consideration and wish to present the same without recommendation.

E. F. MUTCHLER,  
Chairman.

Senator Mutchler moved that Senate Bill No. 122 be placed on the calendar, which motion prevailed.

The Committee on State Affairs made the following report:

Mr. President: Your Committee on State Affairs to whom was referred Senate Bill No. 124, have had the same under consideration and recommend that the same do pass.

G. F. DREW,  
Chairman.

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

Senator Watt moved that Senate Bill No. 124 be re-referred to the Committee on Appropriations, which motion prevailed.

The Committee on Elections made the following report:

Mr. President: Your Committee on Elections to whom was re-referred Senate Bill No. 125, have had the same under consideration and recommend that the same be amended as follows:

On page 4, line 63 after the word "inspector," delete the following: "at least three days prior to opening of polls."

In line 65 after the word "inspector," add the following: "and notified of such appointment at least three days prior to the opening of polls."

And when so amended recommend the same do pass.

E. F. MUTCHLER,  
Chairman.

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

The Committee on State Affairs made the following report:

Mr. President: Your Committee on State Affairs to whom was referred Senate Bill No. 134, have had the same under consideration and recommend that the same be indefinitely postponed.

G. F. DREW,  
Chairman.

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

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
February 9, 1937.

Mr. President: I have the honor to return herewith the following bill and resolution:

Senate Bill No. 14. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the State Historical Society.

Also,

SENATE RESOLUTION "M"

Which the Speaker has signed.

Very respectfully,  
MINNIE D. CRAIG,  
Chief Clerk.

President Thoresen resumed the chair.

#### REPORT OF STANDING COMMITTEES

A minority of the Committee on Judiciary made the following report:

Mr. President: A minority of your Committee on Judiciary to whom was referred Senate Bill No. 136, have had the same under consideration and recommend that the same be indefinitely postponed.

ANDREW SKARVOLD,  
J. C. BLAISDELL, Jr.,  
O. E. BILDEN,  
MELVIN P. JOHNSON.  
OLE ETTESTAD,  
E. C. STUCKE,  
C. W. FINE,  
BEN GILBERTSON.

A majority of the Committee on Judiciary made the following report:

Mr. President: A majority of your Committee on Judiciary to whom was referred Senate Bill No. 136, have had

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

HARRY C. LYNN,  
TOM WHELAN,  
A. W. FOWLER,  
F. T. GRONVOLD,  
JAMES W. GUTHRIE,  
GEORGE V. COFFEY,  
MAX H. STREHLOW,  
J. P. CAIN, Chairman.

Senator Cain moved that the report of the majority be adopted.

Senator Blaisdell moved that the report of the minority be substituted for the report of the majority.

Roll call demanded and granted.

#### ROLL CALL

The question being on the adoption of the minority report for the indefinite postponement of Senate Bill No. 136, the roll was called and there were ayes, 27; nays, 19; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Nelson, Grand Fks.
Bilden	Johnson	Olson
Blaisdell	Kamrath	Owings
Brostuen	Kolpin	Skarvold
Drew	Lavik	Stucke
Ettestad	Lemke	Thatcher
Fine	Lian	Thorson
Gilbertson	McGillic	Williams
Greene	Nelson, Barnes	Wog

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Cain	Kroeber	Topp
Coffey	Lowe	Trout
Crandall	Lynn	Vinje
Fowler	Magoffin	Watt
Fredrickson	Mutchler	Whelan
Gronvold	Strehlow	Young
Guthrie		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Hulteng	Morrison	Streibel

So the minority report was declared adopted.

Senator Blaisdell moved that the vote by which Senate Bill No. 136 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

## REPORTS OF STANDING COMMITTEES

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 96, have had the same under consideration and recommend that the same do pass.

B. W. LEMKE,  
Chairman.

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

The Committee on State Affairs made the following report:

Mr. President: Your Committee on State Affairs to whom was referred Senate Bill No. 148, have had the same under consideration and recommend that the same be amended as follows:

In Section 3, line 4 of the original bill, strike out the word "governor" and insert in lieu thereof the words "Board of Administration."

And when so amended recommend the same do pass.

G. F. DREW,  
Chairman.

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

The Committee on Temperance made the following report:

Mr. President: Your Committee on Temperance to whom was referred Senate Bill No. 151, have had the same under consideration and recommend that the same do pass.

OLE ETTESTAD,  
Chairman.

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

The Committee on Counties made the following report:

Mr. President: Your Committee on Counties to whom was referred Senate Concurrent Resolution "H", have had the same under consideration and recommend that the same be amended as follows:

In line 8 of Sec. 173 of the printed Resolution, strike out the word "twelve" and insert in lieu thereof the word "fifteen".

In line 19 of Sec. 173, of the printed Resolution, following the word "officers", strike out the "period" and insert in lieu thereof a "comma", and add the following language: "Any person now holding the office of Sheriff or Treasurer who before the adoption of this amendment was disqualified to hold that office for a subsequent term on account of present constitutional office term limit shall be permitted to have his

name printed on the official ballot at the general election next following the adoption of this amendment, as a candidate for the same office to succeed himself, upon written request therefor to the auditor of his county given not less than sixty days before the printing of said official ballot."

And when so amended recommend the same do pass.

W. J. TROUT,  
Chairman.

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

A minority of the Committee on State Affairs made the following report:

Mr. President: A minority of your Committee on State Affairs to whom was referred Senate Concurrent Resolution "K", have had the same under consideration and recommend that the same do pass.

A. N. LAVIK,  
GUST WOG.  
G. F. DREW, Chairman.

A majority of the Committee on State Affairs made the following report:

Mr. President: A majority of your Committee on State Affairs to whom was referred Senate Concurrent Resolution "K", have had the same under consideration and recommend that the same be indefinitely postponed.

A. W. FOWLER,  
J. P. CAIN,  
MAX H. STREHLOW,  
J. T. MCGILLIC,  
AXEL OLSON,  
TOM WHELAN,  
N. N. NELSON,  
MELVIN P. JOHNSON,  
C. C. MORRISON,  
WM. WATT  
R. A. OWINGS,  
HARRY C. LYNN,  
ANDREW SKARVOLD,

Senator Fowler moved that the report of the majority be adopted.

Senator Thatcher moved as a substitute motion that the minority report be substituted for the majority report, which motion lost and the majority report was declared adopted.

The Committee on State Affairs made the following report:

Mr. President: Your Committee on State Affairs to whom was referred House Bill No. 68, have had the same under consideration and recommend that the same be indefinitely postponed.

G. F. DREW,  
Chairman.

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

The Committee on State Affairs made the following report:

Mr. President: Your Committee on State Affairs to whom was referred House Bill No. 88, have had the same under consideration and recommend that the same do pass.

G. F. DREW,  
Chairman.

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

The Committee on Elections made the following report:

Mr. President: Your Committee on Elections to whom was referred House Bill No. 128, have had the same under consideration and recommend that the same be amended as follows:

In Section 3846, in line 6 of the printed bill, strike out the words "nine o'clock in the forenoon," and insert in lieu thereof the words "twelve o'clock M."

And when so amended recommend the same do pass.

E. F. MUTCHLER,  
Chairman.

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

The Committee on Elections made the following report:

Mr. President: Your Committee on Elections to whom was referred House Bill No. 129, have had the same under consideration and recommend that the same be amended as follows:

In Section 3852, in lines 5 and 6 of the printed bill, strike out the words "nine o'clock in the forenoon," and insert in lieu thereof the words "twelve o'clock M."

And when so amended recommend the same do pass.

E. F. MUTCHLER,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 145, have had the same under consideration and recommend that the same do pass.

B. W. LEMKE,  
Chairman.

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

#### 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. 6. A Bill for an Act Making an Appropriation for the Maintenance of the State Capitol and for Improvements, Repairs, Insurance and Upkeep of Grounds.

Also,

Senate Bill No. 38. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire, Travel and General Expenses of the Office of Veterans' Service Commissioner as Prescribed by Chapter 281, Laws of 1927, and Chapter 74, Laws of 1929.

Also,

Senate Bill No. 89. A Bill for an Act to Amend and Re-enact Section 3644 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Duties of City Boards of Equalization.

Were delivered to the Governor for his approval at the hour of 4:47 o'clock p. m., February 8, 1937.

WILLIAM KROEBER,  
Chairman.

The Committee on Enrollment and Engrossment made the following report:

Mr. President: Your Committee on Enrollment and Engrossment respectfully report that

Senate Bill No. 84. A Bill for an Act to Amend and Re-enact Section 8247a21 of the 1925 Supplement to the Compiled Laws, North Dakota, 1913, Relating to Lien of Assessments in Irrigation Districts, Giving the Same Equality as Liens with General Taxes and Sale Thereof, Repealing All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Was delivered to the Governor for his approval at the hour of 4:47 o'clock p. m., February 8, 1937.

WILLIAM KROEBER,  
Chairman.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 140. A Bill for an Act to Amend and Re-

enact Section 1649 of the Compiled Laws of the State of North Dakota for the Year 1913, Providing for Experimentation and Testing of State Minerals or Allied Industrial Resources of the School of Mines at the University of North Dakota, or at Any Mining Experimental Station, or Substation Wheresoever Situated in the State of North Dakota, and Providing for the Patenting of Processes and Inventions Discovered and Developed by Such Experimentation, 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, 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Skarvold
Bilden	Kamrath	Strehlow
Brostuen	Kolpin	Streibel
Cain	Kroeber	Stucke
Coffey	Lavik	Thatcher
Crandall	Lemke	Thorson
Drew	Lowe	Topp
Ettestad	Magoffin	Trout
Fine	Morrison	Vinje
Fowler	Mutchler	Watt
Fredrickson	Nelson, Barnes	Whelan
Gilbertson	Nelson, Grand Fks.	Williams
Greene	Olson	Wog
Gronvold	Owings	Young
Guenther		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Blaisdell	Johnson	Lynn
Hulteng	Lian	McGillic

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

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
February 9, 1937.

Mr. President: I have the honor to return herewith the following bill:

Senate Bill No. 83. A Bill for an Act Providing for Relief in Certain Cases During the Emergency Declared to Exist From Foreclosure of Mortgages or Other Liens on Real Estate, and Execution Sales of Real Estate, and Cancellation of Contracts for the Sale of Real Property, Eviction of Tenants from Real Estate, and for Postponing Certain Sales and Extending the Period of Redemption from Certain Sales, and



Relating to the Jurisdiction and Procedure for Such Relief, and for the Right to Possession During the Extended Period, and Limiting the Right to Emergency Actions for Deficiency Judgment, and for Extending the Expiration of Certain Periods of Redemption to Thirty Days After the Passage of this Act; Repealing All Acts Inconsistent Herewith and Declaring an Emergency.

Which the House has passed unchanged.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

Senator Ettestad requested that the Senate return to the 7th order of business, which motion prevailed.

Senator Ettestad moved that the Senate reconsider the vote by which the committee report on House Bill No. 68 was adopted, and that the motion to reconsider be laid on the table, which motion prevailed.

#### FIRST READING OF HOUSE BILLS

House Bill No. 82. A Bill for an Act to Amend and Re-enact Subsection "C" of Section 2166, Supplement to the Compiled Laws of 1913 as Amended and Re-enacted by Chapter 279, Session Laws of 1931, Relating to the Collection of Delinquent Personal Property Taxes and Prescribing the Duties of the County Treasurer and Sheriff in Connection With the Collection Thereof.

Was read the first time and referred to the Committee on Taxes and Tax Laws.

House Bill No. 83. A Bill for an Act to Amend and Re-enact Sections 4 and 6 of Chapter 92, Providing for the Consolidation of Counties and Parts of Counties; the Petition and Election Therefor; the Vote Thereon; Result Thereof; and Proclamation by the Governor; the Officers; Expiration of Their Terms and Transfer of all Books, Records and Property; Nominations When Void; the Transfer and Trial of All Actions; the Debts, Taxes and Issuance of Bonds or Certificates of Indebtedness, and Repealing All Acts in Conflict.

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

House Bill No. 84. A Bill for an Act to Amend and Re-enact Sections Three (3) and Six (6) of Chapter 116 of the Session Laws of 1927, Relating to the Furnishing of Seed and Feed by Counties, and Declaring an Emergency.

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

House Bill No. 146. A Bill for an Act to Protect the Public Health and Morals by Prohibiting the Employment of Females Under the Age of Eighteen Years in Certain Places Where Beer or Alcoholic Beverages Are Sold, Providing a Penalty for the Violation of the Provisions Hereof, and Declaring an Emergency.

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

SENATE CONCURRENT RESOLUTION "G", designating the official language of the State of North Dakota as the "American" language, was read the second time.

Senator Thatcher moved that Senate Concurrent Resolution "G" be adopted, which motion prevailed.

### SECOND READING OF HOUSE BILLS

House Bill No. 31. A Bill for an Act to Amend and Re-enact Section 4950a13 of the Session Laws for the Year 1915, Relating to County Mutual Insurance Companies.

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, 8.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Kamrath	Olson
Cain	Kolpin	Owings
Coffey	Kroeber	Skarvold
Crandall	Lavik	Strehlow
Drew	Lemke	Streibel
Ettestad	Lian	Thorson
Fine	Lowe	Topp
Fowler	Lynn	Vinje
Fredrickson	Magoffin	Watt
Gilbertson	McGillic	Whelan
Greene	Morrison	Williams
Gronvold	Mutchler	Wog
Guenther	Nelson, Barnes	Young
Guthrie	Nelson, Grand Fks.	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Aasen	Hulteng	Thatcher
Bilden	Johnson	Trout
Brostuen	Stucke	

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

The Secretary was instructed to send a copy of Senate Resolution "L" to the Attorney General.

House Bill No. 57. A Bill for an Act Declaring Volunteer Firemen to Be Employees of the Municipalities Which They Serve, and Entitled to the Protection of the Workmen's Compensation Laws of the State; Defining the Term "Volunteer Firemen"; Fixing the Basis of Payment of Benefits Out of the Workmen's Compensation Fund and the Method of Making Assessments of Premiums Against Municipalities.

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, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Kamrath	Owings
Blaisdell	Kolpin	Skarvold
Cain	Kroeber	Strehlow
Coffey	Lavik	Streibel
Crandall	Lemke	Stucke
Drew	Lian	Thorson
Ettestad	Lowe	Topp
Fine	Lynn	Trout
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young
Guthrie	Olson	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Aasen	Hulteng	Thatcher
Brostuen	Johnson	

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

House Bill No. 36. A Bill for an Act Forbidding Compulsory Military Training and Tactics in State Supported Educational Institutions.

Was read the second time.

Senator Blaisdell moved that House Bill No. 36 be amended as follows:

At the end of Section 2, add the following: "The provisions of this Act shall only apply to any student who presents an affidavit signed by himself and one of his parents, or his guardian, stating that affiants have conscientious objections against such student taking such course in military training."

Roll call demanded and granted.

**ROLL CALL**

The question being on the motion of Senator Blaisdell, the roll was called and there were ayes, 21; nays, 27; absent and not voting, 1.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Gilbertson	Magoffin
Blaisdell	Gronvold	McGillic
Cain	Guenther	Nelson, Grand Fks.
Coffey	Guthrie	Strehlow

Messrs.	Messrs.	Messrs.
Crandall	Kroeber	Watt
Fowler	Lowe	Whelan
Fredrickson	Lynn	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Bilden	Lavik	Streibel
Brostuen	Lemke	Stucke
Drew	Lian	Thatcher
Ettestad	Morrison	Thorson
Fine	Mutchler	Topp
Greene	Nelson, Barnes	Trout
Johnson	Olson	Vinje
Kamrath	Owings	Williams
Kolpin	Skarvold	Wog

Absent and not voting:

Messrs.  
Hulteng

So the motion was declared lost.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 28; nays, 20; absent and not voting, 1.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Lavik	Streibel
Blaisdell	Lemke	Stucke
Brostuen	Lian	Thatcher
Drew	Morrison	Thorson
Ettestad	Mutchler	Topp
Fine	Nelson, Barnes	Trout
Greene	Olson	Vinje
Johnson	Owings	Williams
Kamrath	Skarvold	Wog
Kolpin		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Gronvold	McGillic
Cain	Guenther	Nelson, Grand Fks.
Coffey	Guthrie	Strehlow
Crandall	Kroeber	Watt
Fowler	Lowe	Whelan
Fredrickson	Lynn	Young
Gilbertson	Magoffin	

Absent and not voting:

Messrs.  
Hulteng

So the bill passed and the title was agreed to.

Senator Blaisdell announced he was voting "aye" for the purpose of reconsideration.

The Secretary announced the President was about to sign House Bill No. 19, House Bill No. 30, House Bill No. 32, and House Bill No. 76.

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

The Secretary announced that he had received from the Board of Railroad Commissioners a copy of a report requested by Senator Thatcher in Senate Resolution "K" introduced during the last legislative session (see page 469, Session Laws of North Dakota for the year 1935), relative to investigation of exorbitant fees by utility companies.

#### COURTESIES OF THE FLOOR

The courtesies of the floor were extended to the following:

S. E. Palitz, Grand Forks; A. P. Hanson, Litchville.

Senator Thatcher moved that the Senate do now adjourn, which motion prevailed.

The Senate stood adjourned.

THOMAS McDONALD,  
Secretary.

## THIRTY-SEVENTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
February 10, 1937.

The Senate convened at 2:00 p. m., pursuant to adjournment, the President presiding.

Prayer by the Chaplain, Rev. O. O. Andvik, Mandan.

Roll Call: All members present except Senator Hulteng.

Senator Gronvold moved that all absent Senators be excused, which motion prevailed.

## MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 10, 1937.

Mr. Speaker: I have the honor to return herewith the following bill:

House Bill No. 68. A Bill for an Act Creating a State Painters and Decorators Commission; Defining the Terms "Master and Contracting Painter," "Journeyman Painter," "Apprentice Painter"; Providing for the Appointment of the Members of Such Commission and Fixing Their Terms of Office and Compensation; Authorizing Such Commission to Promulgate Rules and Regulations Covering Examination and Licensing of Master, Journeymen and Apprentice Painters; Providing for Holding Such Examinations; Prohibiting Unlicensed Persons, Firms and Corporations from Engaging in the Business of Painting; Fixing Fees to Be Paid by Applicants for Examinations and Providing for the Issuance of Permits and for the Disposition of Such Funds; Providing for the Revocation of Permits; Providing Penalties for the Violation of This Act; Repealing All Acts or Parts of Acts in Conflict Therewith, and Providing for a Saving Clause as to Constitutionality.

Which the Senate has indefinitely postponed.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota.  
February 10, 1937.

Mr. Speaker: I have the honor to return herewith the following bills:

House Bill No. 19. A Bill for an Act to Provide for the Distribution of all Moneys Received From the Treasury of the United States, Under the Provisions of the Act of Congress of February 25, 1920 (Public Number 146) to Place the Same in the State Equalization Fund of the State of North Dakota, and to Be Distributed as Provided by Chapter 260 of the Laws of the State of North Dakota for 1935.

Also,

House Bill No. 30. A Bill for an Act Making a Special Appropriation for the General Maintenance, Improvements and Repairs and Equipment for the New Addition to the Infirmary of the State Tuberculosis Sanatorium at San Haven, North Dakota, from April 1, 1937, to June 30, 1937, and Declaring an Emergency.

Also:

House Bill No. 32. A Bill for an Act to Amend and Re-enact Section 1 and 2 of Chapter 195 of the Session Laws for 1935, Relating to Funding and Refunding Existing Indebtedness of Municipalities, and Declaring an Emergency.

Also,

House Bill No. 76. A Bill for an Act Making an Emergency Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the Motor Vehicle Registration Department.

Which the President has signed.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 10, 1937.

Mr. Speaker: I have the honor to return herewith the following bills:

House Bill No. 18. A Bill for an Act to Provide for the Taxation of Drilling Rigs and All Other Equipment Used in Prospecting for Oil and Gas in the State of North Dakota.

Also,

House Bill No. 73. A Bill for an Act to Amend and Re-enact That Certain Initiated Law Entitled: "An Act Reducing, Equalizing and Fixing Allowances for Mileage and Travel Expense of State Officials, Elective and Appointive, Their

Deputies, Assistants, Clerks and Other State Employees, and Repealing All Acts and Parts of Acts in so far as They Are in Conflict Herewith, and Taking Effect as to All Except Elective Officials on the 30th Day of July, 1932, and as to Elective Officials Upon Their Election and Qualification Hereafter," Adopted and Approved by the Electors at the June 29th, 1932, Primary Election, Reducing and Fixing Allowances for Mileage and Travel Expense of State Officials, Elective and Appointive, Their Deputies, Assistants, Clerks and Other State Employees, Providing for the Filing of an Itemized Statement Thereof, Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Which the Senate has passed unchanged.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 10, 1937.

Mr. Speaker: I have the honor to return herewith the following bill:

House Bill No. 78. A Bill for an Act Providing for the Registration of Public Contractors, and Defining the Term Public Contractor; Providing the Requirements and Method of Obtaining a License to Engage in the Business of Public Contracting in the State of North Dakota; Classifying and Fixing the Fee for Such License; Providing the Method of Suspension, Cancellation and Reinstatement Thereof; Providing Added Requirements in Bond of Foreign Contractor; Prescribing Penalties for the Violation of This Act; and Repealing All Acts or Parts of Acts in Conflict With the Provisions Hereof, and Declaring an Emergency.

Which the Senate has amended as follows:

On page 2, line 6, of Section 2 of the engrossed bill, strike out the word "permit" and insert in lieu thereof the word "license."

At the end of Section 1 following the period after the word "state," add the following: "The Public Contractor's license as herein provided, shall not be required within the sixty (60) day period immediately following the taking effect of this Act, and the license fee required hereby to be paid by Public Contractors in the several classes for the balance of the calendar year 1937, shall be two-thirds of the amount of fee fixed hereby for an original license for such class for a calendar year."

On page 3, at the end of Section 4 of the engrossed bill, and immediately preceding Section 5, insert the following: "Any applicant refused a license by the Registrar shall have the right of appeal from such refusal, to the District Court of Burleigh County, North Dakota."



On page 3, in Section 5, in lines 7, 8, and 9 of the engrossed bill, strike out the following language "subject however, to such pre-qualification requirements as imposed by the public body or bodies referred to in Section 1 (c) hereof."

Strike out the period in Section 5, line 3, of the engrossed bill, insert a semi-colon, and add the following language: "subject, however, to such pre-qualifications requirements as imposed by the public body or bodies referred to in Section 1 (c) hereof."

In Section 6 of the engrossed bill, strike out the words and figures "sixty (60)" in the two places where they occur in said Section 6, and insert in lieu thereof the words and figures "thirty (30)."

And when so amended recommend that the same do pass.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 10, 1937.

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

Senate Bill No. 59. A Bill for an Act Prohibiting Dances in or on Premises, or Premises Adjacent to a Place Where Intoxicating Liquors are Sold as a Beverage; Defining the Duties of States Attorneys and Peace Officers; and Declaring an Emergency.

Also,

Senate Bill No. 73. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, New Building, Equipment and Miscellaneous Items for the Grafton State School at Grafton, North Dakota.

Also,

Senate Bill No. 74. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Training School, Mandan, North Dakota.

Also,

Senate Bill No. 75. A Bill for an Act Making an Additional Appropriation to Care for the Operating Expenses of the 1935-1937 Biennium of the State Training School, Mandan, North Dakota, and Declaring an Emergency.

Also,

Senate Bill No. 99. A Bill for an Act Appropriating Money for the School of Mines at the University of North Dakota, to Supplement Federal Funds for the Investigation and De-

velopment of the Mineral Resources Within the Bounds of the State of North Dakota.

Also,

Senate Bill No. 101. A Bill for an Act to Amend and Re-enact Chapter 208 of the Session Laws of North Dakota for the Year 1935, Relating to Tax Limitations of Cities.

Also,

Senate Bill No. 107. A Bill for an Act to Amend and Re-enact Section 7971, Compiled Laws of 1913, Relating to Actions of quo warranto Against Usurping Officers and Others.

Also,

Senate Bill No. 157. A Bill for an Act Concerning Changes in the Tariffs, Rates, Joint Rates, Fares, Tolls, Schedules or Classifications or Service; Repealing All Acts or Parts of Acts in Conflict Herewith; and Declaring this Act to be an Emergency Measure.

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

Very respectfully,

THOMAS McDONALD,  
Secretary.

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 35th day after recess and 36th day and recommend that the same be corrected as follows:

On page 545, last line, strike out the words "And recommend the same do pass."

On page 549, line 7, correct spelling of the name "Thatcher."

And when so corrected recommend that the same be approved.

C. C. MORRISON,  
Chairman.

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

#### MESSAGES FROM THE SECRETARY OF STATE

This is to certify that Senate Resolution "M" and Senate Resolution "N" were received by me at the hour of 11:10 o'clock a. m., on February 10, 1937.

JAMES D. GRONNA,  
Secretary of State.  
By G. O. Gilbertson, Deputy.

This is to certify that Senate Concurrent Resolution "C" was received by me at the hour of 3:00 o'clock p. m., on January 19th, 1937.

JAMES D. GRONNA,  
Secretary of State,  
By Melda Maddox, Clerk.

#### PETITIONS AND COMMUNICATIONS

A communication was received from the Governor relative to Senate Bill No. 38.

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

State of North Dakota  
OFFICE OF THE GOVERNOR  
Bismarck

February 10, 1937.

To the Members of the Senate, Twenty-Fifth Legislative Assembly.

Gentlemen:

I herewith return Senate Bill 38 without my approval.

This bill is an appropriation in the sum of \$10,085.00 to pay salary, clerk hire, travel and general expense of the office of the Veterans' Service Commissioner, as prescribed by Chapter 281 of the Session Laws of North Dakota for the year 1927 and Chapter 74, Laws of 1929.

Said Chapter 281 of the Session Laws of 1927 provides that the Veterans' Service Commissioner shall be appointed by the Governor from a list of five men, furnished by the State Executive Committee of the American Legion, and to all practical purposes makes this an American Legion bill to the exclusion of the United Spanish American War Veterans, the Veterans of Foreign Wars of the United States, the National Guard of the State of North Dakota and the Disabled Veterans of the World War.

In spite of the barrage of letters and telegrams seemingly inspired by interested persons, together with two letters threatening political reprisals unless I sign this measure, I cannot conscientiously do so.

The American Legion has permitted a few men to speak for it, who have betrayed the fine, high ideals of that organization. The records show that these few individuals wrongfully assisted in the misappropriation of \$1,180.43 about the 20th day of September, 1935, from the funds of the National Guard, and used that money to finance a trip of the American Legion band to St. Louis, Missouri.

Not satisfied with wrongfully misappropriating this money, they got \$250.00 on the 21st day of September, 1935, from the State Mill and Elevator, to send the American Legion band to St. Louis, Missouri.

Not satisfied with misappropriating this money, they secured on the 18th day of September, 1936, for the purpose of sending the Grand Forks American Legion drum corps to Cincinnati, Ohio, the sum of \$750.00 more from the Mill and Elevator at Grand Forks.

These actions are all the more reprehensible because only four years ago I as Governor told these same men that the taking of money from the National Guard fund and from the Mill and Elevator was illegal and personally assisted in raising \$1,500.00 in subscriptions from private individuals to pay the expenses of the American Legion band.

Because of the actions of these few men the Industrial Commission some two weeks ago instructed its legal department to institute suit against the former Acting Governor and others in charge of the National Guard and Mill and Elevator funds, to recover this \$2,180.43, and to include the State Bonding Fund in these suits.

If the Legislature will amend and re-enact this measure, including Chapter 281, Laws of 1927, and Chapter 74, Laws of 1929, and provide that the Veterans' Service Commissioner shall be appointed by the Governor of the State of North Dakota from one of three veterans selected by the Department Commander of the United Spanish War Veterans, Department of North Dakota; Department Commander of the Veterans of Foreign Wars of the United States, Department of North Dakota; the Department Commander of the American Legion, Department of North Dakota; the Department Commander of Disabled Veterans of the World War, Department of North Dakota and the Adjutant General of the State of North Dakota, or a majority thereof, I shall be glad to approve the measure.

Respectfully,

WILLIAM LANGER,  
Governor.

WL-JEB

Senator Whelan moved that Senate Bill No. 38 be approved by the Senate notwithstanding the objection of the Governor.

Senator Blaisdell moved as a substitute motion that action on Senate Bill No. 38 be delayed one legislative day, 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 resolution:

SENATE CONCURRENT RESOLUTION "H".

And find the same correctly engrossed.

WILLIAM KROEBER,  
Chairman.

Senator Kroeber 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 bills:

Senate Bill No. 148. A Bill for an Act to Amend and Re-enact Chapter 94 of the Session Laws for the Year 1929, and Chapter 267 of the Session Laws for the Year 1935, Relating to the Custodian of the State Capitol and Grounds and Describing His Power, Duties and Appointing Such Custodian.

Also,

Senate Bill No. 72. A Bill for an Act Relating to the Foreclosure of Real Estate Mortgages and Land Contracts, Providing What the Judgment and Decree Shall Contain, and Prohibit any Deficiency Judgments.

Also,

Senate Bill No. 118. A Bill for an Act Making an Appropriation for Salaries and Expenses of the State Geological Survey and for Co-operation of United States Geological Survey.

Also,

Senate Bill No. 125. A Bill for an Act to Amend and Re-enact Section 951, Compiled Laws of North Dakota of the Year 1913, as Amended by Chapter 136 of the Session Laws of 1927; Providing for Inspectors and Judges of Election, Their Qualifications and Duties.

And find the same correctly engrossed.

WILLIAM KROEBER,  
Chairman.

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

#### REPORT OF STANDING COMMITTEES

The Committee on State Affairs made the following report:

Mr. President: Your Committee on State Affairs to whom was referred Senate Bill No. 26, have had the same under consideration and recommend that the same be amended as follows:

In Section 2, line 2, of the original bill following the word "appointed," insert the following language "shall be a person

who has been engaged in the administration of the civil service law of one of the states or of the Federal Government for a period of at least three years;" and in line 7, strike out the figures "\$4,000.00' and insert in lieu thereof "\$3,000.00."

In Section 3, following subsection 4, insert the following: "5. The commission shall arrange for the classification of all the offices within the classified Civil Service as hereinafter provided and shall after making a study of the rates paid elsewhere for each class of positions, prepare a schedule of compensation for each class of positions with a minimum salary rate, a maximum rate, and such intermediate salary rates as may be deemed necessary and equitable."

In Section 5, line 1, page 3, strike out the words "within three months after this Act goes into effect" and insert in lieu thereof "beginning January 1st, 1939."

In Section 5, in line 7 after the period following the word "applicants" insert the following language: "Such classification shall show for each class of positions: the title given to each class; a statement of duties and responsibilities of those holding positions in each class; the minimum and desirable qualifications required of each incumbent; the natural and probable lines of promotion to and from the class; and the appropriate salary ranges showing minimum; maximum and intermediate ranges for each class. Salaries shall be fixed by appointing officers within the salary range set by the commission."

In Section 8, after the period following the word "appointment," at the end of the Section on page 6 of the original bill, insert the following language: "No person shall be eligible for a position in the classified Civil Service of this state who has not been a citizen of the United States for a period of at least five years and a resident of this state for a period of at least five years and a resident of this state for a period of at least three years next preceding his application for position."

In Section 11. After the period following the word "person" in line 4, strike out the balance of the Section and insert the following language: "Appointments shall be made to all positions that are not filled by promotion, reinstatement, transfer or reduction, under the provisions of this Act and the rules in pursuance thereof, by the appointing power: Said appointing power shall notify the commission of any vacancy to be filled, stating the duties of the position. The commission shall then certify to the appointing power the names and addresses of the three persons standing highest on the eligible list for the class or grade to which the position belongs; but in case there be less than three on such eligible list, the commission shall certify the number thereon; and the appointing power shall fill the position by the appointment of one of the persons certified by the commission therefor. That the selection of employees shall be apportioned among the several counties of the state upon a basis of population ascertained by the last preceding state

or federal census, whichever was last taken. Every application for examination shall contain, among other things, a statement, under oath, setting forth his or her actual bona fide residence at the time of making the application, as well as how long he or she has been a legal resident of such place, together with a statement as to whether or not the applicant is a citizen of the United States, and the name and address of any member of his or her family, if any, then an employee of the state or any of the agencies thereof enumerated herein. Provided, however, that if there are not a sufficient number of successful applicants from any particular county so as to fill its quota, then and in that event the Commission may certify applicants for employment from other counties of the state. The term of eligibility shall be fixed for each eligible list at not less than one year. Appointments shall be made from the eligible list most nearly appropriate for the position to be filled, and a new list shall be created for a stated position or a group of positions only when there is no appropriate list existing from which appointment may be made. No person shall be appointed under any title not appropriate to the duties to be performed, and no person shall be assigned to perform the duties of any other position than that which he legally holds, except by consent of the commission. All appointments shall be for a probationary period to be fixed by the commission but not to exceed three months. Unless such appointee shall have been dismissed within such probationary period by the appointing power, for reasons stated in writing and filed with the commission, his appointment shall become permanent subject to the provisions of this Act as to removals, suspensions and changes. Discharged probationers may by unanimous vote of the commission be restored to the list of eligibles for certification to any position within their class other than the one from which they were rejected. Whenever there are two members of a family in the service of the state or any of the agencies designated herein, in the grades covered by this Act, no other member of such family shall be eligible to appointment to any of such grades."

Strike all of Section fourteen and insert in lieu thereof the following:

"Section 14. The tenure of every person holding a position under the provisions of this Act shall be during good behavior, but any such person may be removed, demoted, suspended without pay or with reduced pay, transferred to another position in the same class, reprimanded, or restored to his position with such pay as may be equitable under a procedure in conformity with the provisions of this Section which shall be set up by the commission in its rules and regulations, for any of the following causes: incompetency, inefficiency, insubordination, dishonesty, intemperance, immorality, violation of the provisions of this Act or of the rules and regulations of the commission, or for any other failure of good behavior or any other Act or Acts which are incompatible with or inimical to the public service.

"The appointing power or other officer or person in charge

of the employee, or any citizen of the state, or the commission, may file charges against any person employed by the state under and subject to the provisions of this Act, for dismissal or other corrective action for any or all of the causes hereinbefore provided and suspend such employee from service until such time as the charges against him shall have been heard or investigated by the commission and a decision rendered. Such charges must be made in writing and clearly state the specific act or acts of the employee constituting such cause, the original of which shall be immediately filed with the commission and a copy served upon the accused employee either by personal service or by registered mail, and the suspension shall not be effective until such service has been made upon the employee.

“The charges filed against an employee must also inform him of the time and manner in which, under the provisions of this Section and the rules and regulation of the commission, he must answer to such charges and ask for a hearing or investigation. The employee shall have a reasonable time in which to file with the commission a written answer to or explanation of the charges, and to request an investigation or hearing, and a copy of such answer, explanation or request shall at once be mailed by the commission to the appointing power or other officer or person who has made the charges. Within five days after the filing of such answer, and upon written notice to both parties of the time and place of the hearing or investigation, the commission shall, under the provision of this Act, hold a hearing or investigation, at which time both the accuser and accused shall have the right and opportunity to submit all proper and competent evidence for and against the accused. Failure on the part of the accused employee to request a hearing, or investigation, and to give such written answer or explanation to the commission within ten days of the service upon him of the charges, shall be deemed an admission of the truth of such charges without further investigation or hearing on the part of the commission, unless further time shall be granted by the commission. It shall be the duty of the commission to subpoena for the accused upon his written request and at his cost, consider carefully the evidence submitted in the hearing or investigation and render a decision which in its judgment is just and proper.

“The decision must be rendered within 10 days after the completion of the trial and shall be entered upon the minutes of the commission and its official roster of employees. Copies of the decision shall be furnished to both the appointing power and the employee. Such hearings or investigations may be held by the commission, any commissioner, the executive secretary or any agent of the commission duly accredited to such duty, and the decisions of the commission shall be final unless the employee shall appeal from such decision so rendered within ten days after the service of the Order of Removal upon him, by filing with the Commission a written notice of appeal setting forth the reasons for the same. Upon the filing of such notice of appeal, the Commission shall immediately forward all papers and re-



cords in the case to the Clerk of the District Court of the County of Burleigh, and said Court shall hear said appeal within fifteen days after the filing of the record in the office of the Clerk of said Court. The issue shall be tried by the Court. The Court, at said hearing, shall review the testimony introduced before the Commission and in its discretion may permit either party to introduce such further and competent testimony as may be offered at the hearing.

"An appointing power may, from time to time, peremptorily suspend an employee without pay or other compensation and without the right of a hearing as punishment for any minor infraction of any of the above causes or other improper behavior, but such suspension or total suspensions by such appointing power of such person shall not exceed thirty days in any year of service. Such suspension with loss of pay may be effected only by service upon the employee by the appointing power of written charges setting out clearly the delinquency for which such suspension was made and a copy of which must at the same time be mailed or delivered to the commission. The suspended employee shall have the right to file with the commission and the employing power a written answer or explanation of such charges."

After the period at the end of Section 16, insert a new section:

"Section 17. (new section) It shall be unlawful for the State Auditor or other fiscal officer of the state to draw, sign, issue, or authorize the drawing, signing, or issuing of any warrant on the treasurer or other disbursing officer of the state for the payment of, or for the treasurer or other disbursing officer to pay any salary or compensation to anyone holding any position under the provisions of this Act unless the estimate, pay roll or account for such salary or compensation, containing the name of the person to be paid, shall bear the certificate of the commission that the persons named in such estimate, pay roll or account are holding positions as provided by this Act and the rules and regulations prescribed thereunder. Any sums paid contrary to the provisions of this Section may be recovered from anyone making such appointment in violation of the provisions of this Act and of the rules and regulations prescribed thereunder or from any officer signing, or countersigning, or authorizing the signing or countersigning of any warrant for the payment of the same, and from the sureties on his official bond in an action in any court of competent jurisdiction of this state maintained by a citizen resident therein, who is assessed for and is liable to pay, or within one year before the commencement of such action has paid, a tax therein. All moneys recovered in any action brought under the provisions of this Section must, when collected, be paid into the treasury of the state, except that the plaintiff in any such action shall be entitled to receive for his own use the taxable costs of such action."

Renumber Sections "17, 18, 19" to read Sections "18, 19, and 20".

After Section 19 of the original bill, 20 of amended bill, add a new Section:

"SECTION 21. (new section) Witnesses and officers to subpoena and secure the attendance of witnesses before the commission, or any commissioner, or the executive secretary or other authorized agent of the commission, shall be entitled to the same fees as are allowed witnesses in civil cases in courts of record. Such fees need not be prepaid, but the disbursing officer shall draw his warrant for the payment of the amount thereof when the same shall have been certified to by the commission and duly proved by affidavit or otherwise to the satisfaction of the disbursing officer."

Strike out all of "Section 20" appropriation and insert in lieu thereof:

"SECTION 22. APPROPRIATION.) There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated Five Thousand Dollars (\$5,000.00) or so much thereof as may be necessary for the use of the said Civil Service Commission in establishing this Act."

Add "SECTION 23. (new section) If any section, subsection, subdivision, sentence, clause or phrase of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act."

Add "SECTION 24. (new section) This Act shall be known and may be cited as the "State Civil Service Act."

Add "SECTION 25. This Act shall be in full force and effect from and after January 1st, 1939."

And when so amended recommend the same do pass.

G. F. DREW,  
Chairman.

Senator Drew moved that the report be printed in the journal and further action on Senate Bill No. 26 deferred one legislative day, which motion prevailed.

#### REPORTS OF STANDING COMMITTEES

The Committee on Public Health made the following report:

Mr. President: Your Committee on Public Health to whom was referred Senate Bill No. 66, have had the same under consideration and recommend that the same be amended as follows:

On page 4, Section 5 in line 4, correct the spelling of the word "revokation".

On page 4, Section 5, line 7, correct the spelling of the word "revokation".

On page 5, in Section 6, in line 9, strike out the word "open" and insert in lieu thereof the words "in evidence".

And when so amended recommend the same do pass.

E. C. STUCKE,  
Chairman.

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

The Committee on Corporations made the following report:

Mr. President: Your Committee on Corporations to whom was referred:

Senate Bill No. 102, have had the same under consideration and recommend that the same be indefinitely postponed.

MILTON R. YOUNG,  
Chairman.

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

The Committee on Taxes and Tax Laws made the following report:

Mr. President: Your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 133,

Have had the same under consideration and recommend that the same be amended as follows:

In line 6 of the printed bill strike out the word "Treasurer" and insert in lieu thereof the word "Commissioners". In the same line after the word "county" strike out the word "shall" and insert in lieu thereof the word "may". In line 9 after the word "current" insert "and delinquent". In line 16 after the word "current" insert the words "and delinquent". In line 37 change the heading "Tax" to "Current Tax", and add another heading "Delinquent Tax". And when so amended recommend the same do pass.

J. K. BROSTUEN,  
Chairman.

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

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 135,

Have had the same under consideration and recommend that the same be amended as follows:

Section (1), line (18) strike out the period at the end of the sentence and in lieu thereof insert a "comma" and add the following language: "such fee of \$50.00 shall be transmitted by the Clerk of the District Court to the State Treasurer to be

credited to the Equalization Fund for the common schools of the State of North Dakota.”

And when so amended, recommend that the same do pass.

J. P. CAIN,  
Chairman.

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

The Committee on Corporations made the following report:

Mr. President: Your Committee on Corporations to whom was referred Senate Bill No. 138,

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

MILTON R. YOUNG,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 143,

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

B. W. LEMKE,  
Chairman.

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

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 147, have had the same under consideration and recommend that the same be indefinitely postponed.

J. P. CAIN,  
Chairman.

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

The Committee on Elections made the following report:

Mr. President: Your Committee on Elections to whom was referred Senate Bill No. 154, have had the same under consideration and recommend that the same be amended as follows:

On page 2, Section 1, line 10, of the printed Bill, after the word “shall,” strike out the words “after he has cast his absent voters ballot”.

On page 2, Section 1, line 14, after the word "box," strike out the "semicolon" and place in lieu thereof a "period," and strike out the balance of line 14, all of line 15, and all of line 16, and in line 17, before the word "elector," insert the word "No," and after the word "elector," insert the word "shall".

On page 2, Section 2, line 11, strike out the word "fifteen" and insert in lieu thereof the word "twenty".

On page 7, Section 3, line 76, after the word "ballot," insert the word "unopened".

On page 9, at the end of Section 3, line 138, after the word "provided," insert the following language: "The application provided for in this section shall be filed with the County Auditor and shall remain on file for three years."

On page 11, Section 5, line 12, strike out the word "fifteen" and insert in lieu thereof the word "twenty".

On page 12, Section 6, line 8, after the "comma" following the word "provided," insert the following language: "or who shall open any ballot after the same is folded by the elector".

On page 12, Section 6, at the end of line 15, after the word "certificate," insert the following language: "or knowingly casting an absent voter's ballot contrary to the provisions of this Act".

And when so amended recommend the same do pass.

E. F. MUTCHLER,  
Chairman.

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

The Committee on Taxes and Tax Laws made the following report:

Mr. President: Your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 162, have had the same under consideration and recommend that the same be indefinitely postponed.

J. K. BROSTUEN,  
Chairman.

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

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 166, have had the same under consideration and recommend that the same be indefinitely postponed.

J. P. CAIN,  
Chairman.

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

The Committee on Appropriations made the following report:

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

B. W. LEMKE,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 5, have had the same under consideration and recommend that the same be indefinitely postponed.

B. W. LEMKE,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 10, have had the same under consideration and recommend that the same do pass.

B. W. LEMKE,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 11, have had the same under consideration and recommend that the same do pass.

B. W. LEMKE,  
Chairman.

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

The Committee on Mines and Minerals made the following report:

Mr. President: Your Committee on Mines and Minerals to whom was referred House Bill No. 16,

Have had the same under consideration and recommend that the same be amended as follows:

In Section 3, line 6, of the original bill, strike out the word "eight" and in lieu thereof insert the word "six".

And when so amended, recommend that the same do pass.

WM. A. THATCHER,  
Chairman.

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

The Committee on Corporations made the following report:

Mr. President: Your Committee on Corporations to whom was referred House Bill No. 35,

Have had the same under consideration and recommend that the same be indefinitely postponed.

MILTON R. YOUNG,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 40,

Have had the same under consideration and recommend that the same be amended as follows:

In line 3 of the printed bill, strike out the figures "\$246,306.00" and insert in lieu thereof the figures "\$264,696.00".

In line 11, strike out the figures "59,782.00" and insert in lieu thereof the figures "61,972.00".

Re-insert line 12, item 4. under "SALARIES AND WAGES" —"4. Salary Adjustments, 3,700.00".

In line 26, strike out the figures "15,000.00" and insert in lieu thereof the figures "16,500.00".

In line 27, strike out the figures "8,000.00" and insert in lieu thereof the figures "10,000.00".

In line 30, strike out the figures "3,500.00" and insert in lieu thereof the figures "5,000.00".

In line 32, strike out the figures "14,000.00" and insert in lieu thereof the figures "20,000.00".

In line 34, correct the total after "TOTAL MAINTENANCE" by striking out the figures "\$269,606.00" and insert in lieu thereof the figures "\$286,496.00".

In line 36a, correct the figures after "NET MAINTENANCE" by striking out the figures "\$236,606.00" and insert in lieu thereof the figures "\$253,496.00".

In line 38, strike out the figures "4,000.00" and insert in lieu thereof the figures "5,000.00".

In line 42, strike out the figures "500.00" and insert in lieu thereof the figures "1,000.00".

In line 48, correct the "total" by striking out the figures "\$246,306.00" and insert in lieu thereof the figures "\$264,696.00".

And when so amended recommend that the same do pass.

B. W. LEMKE,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 41,

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

B. W. LEMKE,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 42,

Have had the same under consideration and recommend that the same be amended as follows:

In line 4 of the printed bill, strike out the figures "\$175,340.00" and insert in lieu thereof the figures "\$177,840.00".

In line 11, strike out the figures "36,000.00" and insert in lieu thereof the figures "37,000.00".

In line 13, strike out the figures "1,000.00" and insert in lieu thereof the figures "2,500.00".

In line 20, correct the "TOTAL" by striking out the figures "\$175,340.00" and insert in lieu thereof the figures "\$177,840.00".

And when so amended recommend that the same do pass.

B. W. LEMKE,  
Chairman.

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

The Committee on Appropriations made the following report:



Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 43,

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

B. W. LEMKE,  
Chairman.

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

The Committee on Elections made the following report:

Mr. President: Your Committee on Elections to whom was referred House Bill No. 142,

Have had the same under consideration and recommend that the same be amended as follows:

In line 5 of Section 1 of the printed bill, strike out the figures "5,000" and insert in lieu thereof the figures "6,000".

In line 11, page 2, Section 1 of the printed bill, strike out the figures "5,000" and insert in lieu thereof the figures "6,000".

In line 16, page 2, Section 1 of the printed bill, strike out the word "five" and insert in lieu thereof the word "six".

In line 3 of the title of the printed bill, strike out the figure "5,000" and insert in lieu thereof the figure "6,000".

And when so amended, recommend the same do pass.

E. T. MUTCHLER,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 174,

Have had the same under consideration and recommend that the same be indefinitely postponed.

B. W. LEMKE,  
Chairman.

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

Senator Watt asked the unanimous consent of the Senate to withdraw Senate Bill No. 229, which request was granted.

Senator Whelan presented the following remarks and moved that same be printed in the Journal, which motion prevailed.

Senator Whelan:

As a member of the organization which is the subject of attack by the Governor in his veto of Senate Bill 38, The American Legion, I wish to bring out some poignant facts in regard to the office of Veterans Service Commissioner in this state, to explain how the office was created and the nature of its work and why it must remain non-political and how this can best be done by leaving the manner of appointment as the law now reads, namely, appointment by the Governor upon recommendation of the American Legion Executive Committee.

The American Legion was organized in this state in 1919 and in 1920 the need for the office of Veterans Service Commissioner was very evident. In the small office set up by the American Legion, letters poured in from ex-service men asking help in the adjustment of their claims, men who had returned from France broken in health, their bodies maimed, in many cases their minds distorted by the terrible suffering they had endured. At that time the Federal Government had not perfected its machine, later called the Veterans Administration, with which to care for these men. We had no state office of any kind that could do it, THERE WAS NO ORGANIZATION FUNCTIONING IN THIS STATE OUTSIDE OF THE AMERICAN LEGION and upon that American Legion fell the burden of the care of these men.

In 1921 the American Legion faced a deficit of funds of \$5,000 because we had carried on the work of rehabilitation of these men. These men were not members of the American Legion in most cases. They were ex-service men and the great majority of them did not have the money with which to pay dues in our organization. In 1919 the American Legion accepted the burden, we spent our money to discharge our obligation to our wounded comrades. Men who are ill and dying cannot wait for the cumbersome machinery of state and national governments to care for them. Emergency aid was needed and the American Legion supplied that aid. Again, let me repeat, there was NO OTHER VETERANS ORGANIZATION IN THE STATE to do this work.

By 1921 the Federal Government had started to perfect its organization for the care of these men, and had established an office in Fargo. The problem then became that of helping ex-service men to obtain from the federal government the benefits which they were entitled to and to interpret and explain to them the federal regulations under which the Veterans Administration operates. In its work the American Legion obtained for the State of North Dakota a Veterans Hospital of fifty beds and later this was increased to 100 beds. I repeat again, THE AMERICAN LEGION WAS THE ORGANIZATION RESPONSIBLE FOR OBTAINING THIS HOSPITAL. The Disabled American War Veterans worked with the American Legion and when I mention American Legion I mean also the Disabled American War Veterans as most of them are also Legionnaires. This job of rehabilitation among ex-service men is a long, tedious task. It requires constant plugging day in and day out.

You are bound by red tape on all sides and my organization, THE AMERICAN LEGION, served as the buffer between the ex-service man and the government structure, the Veterans Administration, from which that man must secure assistance if he is to obtain it.

Then we have the dependents of that man, his wife and his children. What are they to do when he lays sick in the hospital that the Legion has secured for his care. That was another problem confronting the Legion and that organization met it in this way. The American Legion raised an endowment fund of FIVE MILLION DOLLARS in the United States, fifty thousand of which was raised by the American Legion in this state, for emergency aid to these dependents. The American Legion established the office of Child Welfare Chairman to whom all such cases are referred. He investigates and recommends to National Headquarters of the Legion all worthy cases and the remittances are sent direct to these people. Each year the amount of money coming into North Dakota is increased.

The work had now become of such proportions among the veterans of North Dakota that the American Legion was unable to carry it on without assistance. I want it clearly understood here that the work my organization was doing was not among its own membership. The office of the American Legion was open to all veterans of the World War and to the veterans of all wars. Each and every one received the same consideration and assistance. Again I repeat myself. In the year 1927 when the American Legion requested the establishment of the office of Veterans Service Commissioner, there was no other organization actively fighting the battles of the ex-service man. The American Legion and the Disabled Veterans combined their efforts in bringing to the attention of the Legislature the need for this office.

There was a great deal of misunderstanding and it was a long uphill pull before the office was finally established. The manner of the appointment of the Veterans Service Commissioner, which is under fire by the Governor's veto, was given a great deal of thought. This appointment, this man, serving as he does the men from all walks of life, must be especially qualified for the position. The laws governing veterans benefits are complicated and involved. It was highly important that the office be non-political and that once a man was trained for this work, in order that the best interests of the ex-service men and women in this state be served, that that man be kept on the job. The Veterans Service Commissioner is called upon to deal with, in the majority, men who are broken in health. We cannot afford to spend two years training some man for the job and then have a new administration come in, throw him out and start training another. If we do that, then we had best abandon the office altogether, because it would be of little use to the men it was created to serve.

In his veto message the Governor condemns the manner of appointment of the Veterans Service Commissioner stating

that it makes it an American Legion bill. The American Legion and its Auxiliary were responsible for the enactment of the measure in the first place. In 1929 these two organizations established the Veterans Welfare Fund under the jurisdiction of the Veterans Service Commissioner and to be expended by him for the benefit of ex-service men and women. The total amount paid into this fund by the American Legion and its Auxiliary is \$3,975.05. This is not money appropriated by the state, this is money supplied by the American Legion and its Auxiliary and it is used to alleviate distress among the men and their families from over the state of North Dakota who seek medical aid and hospitalization at the Veterans Hospital in Fargo. It is used to help ex-service men and women who cannot help themselves. This amount of four thousand dollars supplied by the American Legion and its Auxiliary has served fourteen hundred twenty-three individual cases. It has purchased medicine, it has provided food and clothing, paid rent, railway fare and in a thousand other ways has given assistance to all ex-service men in the state, without regard to their affiliation with the American Legion. According to our records, through turn-over, this amount has accomplished the work of \$8,732.

In addition to the welfare funds provided by the American Legion that organization has also helped bear the burden of expense of the office of Veterans Service Commissioner. In 1933 the appropriation was cut by Governor Langer to such an extent that the American Legion had to make up the deficit needed to carry on.

In summary, gentlemen, I ask you what is wrong with allowing the American Legion to recommend to the Governor the name of the man who shall be Veterans Service Commissioner. That organization represents NINETY PER CENT of all the men who are affiliated with veterans organizations in North Dakota. It is the only truly democratic organization of World War Veterans as there are no restrictions on membership. The only qualification required is an honorable discharge. Men in the American Legion may have service at home or abroad, may be in good health or disabled. It includes them all.

There are one hundred seventy posts of the American Legion in this state and as many Auxiliary units. Can any other organization claim such a record?

The Governor contends in his veto message that there has been a misappropriation of funds in that the American Legion Band has received assistance from the National Guard funds to attend the American Legion convention. What has this to do with the office of Veterans Service Commissioner? We have received assistance from the state of North Dakota before this for our American Legion Band, first in 1928 from Governor Maddock, at the request of the late Governor Sorlie, then from Governor Shafer, then from the Legislature, and at no time before this have we ever been accused of misappropriation of funds.

In the army and during the war very often a smoke screen was thrown to conceal what was going on. Are the accusations of the Governor a smoke screen? The American Legion has

proven its worth and has been the leader in rehabilitation work. That organization has provided the money to carry it on when it was not provided by the state, it has provided money for the care of men in need, their wives and children, it has furnished the man power for the job of rehabilitation in this state among the ex-service men; it is the most democratic organization of ex-service men, it is the largest group of ex-service men' and women. The American Legion today asks the Senate to over-ride the Governor's veto. My organization contends that the office of Veterans Service Commissioner shall not be made a political football to be kicked around at the will of the administration in power, or to be given or handed around to fulfill the promise of a job. The work is too important for that. Never before has this office been injected into politics. The American Legion asks that the Veterans Service Commissioner law remain as it is.

Seventeen thousand men and women who make up the American Legion and the American Legion Auxillary composed as they are of all political factions want this office of Veterans Service Commissioner continued as it has always been, a non-political office, its sole purpose being to serve the sick and disabled ex-service man, the widow and orphan of ex-service men, who cannot help themselves. In fact, to serve all ex-service men and women. I ask the members of this Senate to support me in over-riding the Governor's veto.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 72. A Bill for an Act Relating to the Foreclosure of Real Estate Mortgages and Land Contracts, Providing What the Judgment and Decree Shall Contain, and Prohibit any Deficiency Judgments.

Was read the second time.

Senator Johnson moved that Senate Bill No. 72 be amended as follows:

In line 2 of the engrossed bill, strike out the word "Section" and insert the word "action".

Which motion prevailed.

Senator Johnson moved that the rules be suspended and Senate Bill No. 72 be considered properly re-engrossed, and placed upon second reading. and final passage, as amended, which motion prevailed.

Senator Olson requested a Call of the House, which request was granted.

Senator Olson moved that the Call of the House be dispensed with, which motion prevailed.

#### ROLL CALL

The question being on the final passage of Senate Bill No. 72, as amended, the roll was called and there were ayes, 30; nays, 18; absent and not voting, 1.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Kroeber	Streibel
Bilden	Lavik	Stucke
Brostuen	Lemke	Thatcher
Ettestad	Lowe	Thorson
Fine	Morrison	Topp
Greene	Mutchler	Trout
Guenther	Olson	Vinje
Johnson	Owings	Williams
Kamrath	Skarvold	Wog
Kolpin	Strehlow	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Fredrickson	Magoffin
Cain	Gilbertson	McGillic
Coffey	Gronvold	Nelson, Barnes
Crandall	Guthrie	Nelson, Grand Fks.
Drew	Lian	Watt
Fowler	Lynn	Whelan

Absent and not voting:

Messrs.  
Hulteng

So the bill passed and the title was agreed to.

Senator Thorson moved that the vote by which Senate Bill No. 72 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, North Dakota,  
February 10, 1937.

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

House Bill No. 156. A Bill for an Act Levying a Tax of One-half of One Mill Upon Each Dollar of Assessed Valuation of All Taxable Property Within the State for the Years 1937 and 1938, for the Purpose of Paying the Interest and Creating a Sinking Fund for the Payment of the Principal of the North Dakota Real Estate Bonds Now Outstanding.

Also,

House Bill No. 71. A Bill for an Act to Amend and Re-enact Section 6073 of the Supplement to the 1913 Compiled Laws of the State of North Dakota as Amended by Chapter 274 of the Session Laws of 1927 and as Further Amended by Chapter 159 of the Session Laws of 1935, Defining Usury and Fixing Penalty.

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

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 10, 1937.

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

HOUSE CONCURRENT RESOLUTION "T".

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

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House Chamber,  
Bismarck, North Dakota,  
February 10, 1937.

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

SENATE CONCURRENT RESOLUTION "M".

Which the House has indefinitely postponed.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 10, 1937.

Mr. President: I have the honor to return herewith the following bill:

Senate Bill No. 48. A Bill for an Act to Amend and Re-enact Section 1164 of the Compiled Laws of the State of North Dakota for 1913, Pertaining to the Duties of the Clerks of Common School Districts, and Declaring an Emergency, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Which the House has amended.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 10, 1937.

Mr. President: I have the honor to return herewith the following bill:

Senate Bill No. 93. A Bill for an Act to Amend and Re-enact Section Four (4) of Chapter 104 of the Laws of North Dakota for the Year 1933, Relating to the Granting and Revocation of Licenses to Practice Dentistry, Setting Forth the Grounds for the Revocation Thereof and Defining Unprofessional Conduct.

Which the House has passed unchanged.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 118. A Bill for an Act Making an Appropriation for Salaries and Expenses of the State Geological Survey and for Co-operation of United States Geological Survey.

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, 20; nays, 24; absent and not voting 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Guthrie	Strehlow
Cain	Kamrath	Stucke
Coffey	Lemke	Thatcher
Fredrickson	Lynn	Topp
Gilbertson	Magoffin	Vinje
Gronvold	McGillic	Young
Guenther	Nelson, Grand Fks.	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Kroeber	Owings
Brostuen	Lavik	Skarvold
Crandall	Lian	Streibel
Drew	Lowe	Trout
Ettestad	Morrison	Watt
Fowler	Mutchler	Whelan
Johnson	Nelson, Barnes	Williams
Kolpin	Olson	Wog

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Greene	Thorson
Fine	Hulteng	

So the bill was declared lost.



Senator Johnson moved that further consideration of Senate Bill No. 122 be deferred one legislative day.

The motion was put. There being no expression upon the motion, the President instructed the Secretary to proceed with the reading of the bill.

The President called Senator Ettestad to the chair.

Senate Bill No. 122. A Bill for an Act to Make More Effective the Purposes of the Primary Election Laws; to Permit All Considerable Groups Within a Political Party to Have Their Favorite Candidates Presented Fairly to the Party Voters; Fixing Dates for Holding Party Precinct Committeemen Meetings and Party Conventions and Regulating Procedure Therein; Providing for the Election of Party Delegates to a State Convention and for Other Purposes.

Was read the second time.

Senator Thatcher moved that further consideration of Senate Bill No. 122 be deferred one legislative day, which motion prevailed.

Senate Bill No. 125. A Bill for an Act to Amend and Re-enact Section 951, Compiled Laws of North Dakota of the Year 1913, as Amended by Chapter 136 of the Session Laws of 1927; Providing for Inspectors and Judges of Election, Their Qualifications and Duties.

Was read the second time.

Senator Johnson moved that Senate Bill No. 125 be amended as follows:

On page 3 of the printed bill, in lines 53 and 54, strike out the following: "who shall belong to the same political party as the disqualified inspector."

Which motion prevailed.

Senator Johnson moved that the rules be suspended and Senate Bill No. 125 be considered properly re-engrossed, and placed upon Second Reading and Final Passage as amended, which motion prevailed.

### ROLL CALL

The question being on the final passage of Senate Bill No. 125, as amended, the roll was called and there were ayes, 43; nays, 3; absent and not voting 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Owings
Bilden	Johnson	Skarvold
Blaisdell	Kroeber	Streibel
Brostuen	Lavik	Stucke
Cain	Lemke	Thatcher
Coffey	Lian	Thorson
Crandall	Lynn	Topp

Messrs.	Messrs.	Messrs.
Drew	Magoffin	Trout
Ettestad	McGillic	Vinje
Fine	Morrison	Watt
Fowler	Mutchler	Whelan
Fredrickson	Nelson, Barnes	Williams
Gilbertson	Nelson, Grand Fks.	Wog
Greene	Olson	Young
Gronvold		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Guthrie	Lowe	Strehlow

Absent and not voting:

Messrs.	Messrs.	Messrs.
Hulteng	Kamrath	Kolpin

So the bill passed and the title was agreed to.

President Thoresen resumed the chair.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
February 10, 1937.

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

House Bill No. 52. A Bill for an Act to Validate and Legalize Proceedings Taken Under Chapter 116, Laws 1919, to Establish and Construct Flood Irrigation Projects, Issue Bonds, Warrants and Other Evidences of Indebtedness to Finance the Cost of Such Projects, Levy Assessments and Taxes for the Payment of Such Indebtedness, and Declaring Such Obligations and Obligations Issued or to Be Issued to Fund Such Indebtedness Valid and Legal, and Declaring an Emergency.

For reconsideration.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

Senator Cain requested that the Senate return to the Seventh Order of Business, which request was granted.

Senator Cain moved that the Senate reconsider the vote by which House Bill No. 52 was passed, which motion prevailed.

Senator Cain moved that House Bill No. 52 be amended as follows:

In line 13 of the engrossed bill, following the word "proj-

ects", add the following: "and all bonds, warrants, orders or other evidences of indebtedness."

Which motion prevailed.

### SECOND READING OF SENATE BILLS

Senate Bill No. 96. A Bill for an Act Appropriating Six Thousand Dollars (\$6,000.00) to the State Historical Society for the Development of the International Peace Garden on the American Side in Rollette County, North Dakota.

Was read the second time.

Senator Owings moved that Senate Bill No. 96 be amended as follows:

In the last line of the title of the bill, following the word "Dakota", strike out the period, insert a comma, and add the following: "and declaring an emergency."

Which motion prevailed.

Senator Thatcher moved that the rules be suspended and Senate Bill No. 96 be considered properly re-engrossed, and placed upon Second Reading and Final Passage as amended, which motion prevailed.

### ROLL CALL

The question being on the final passage of Senate Bill No. 96, as amended, the roll was called and there were ayes, 43; nays, 1; absent and not voting 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Owings
Bilden	Kolpin	Skarvold
Blaisdell	Kroeber	Strehlow
Brostuen	Lavik	Streibel
Cain	Lemke	Thatcher
Coffey	Lian	Thorson
Drew	Lynn	Topp
Ettestad	Magoffin	Trout
Fine	McGillic	Vinje
Fowler	Morrison	Watt
Fredrickson	Mutchler	Whelan
Greene	Nelson, Barnes	Williams
Gronvold	Nelson, Grand Fks.	Wog
Guenther	Olson	Young
Guthrie		

Those voting in the negative were:

Messrs.  
Lowe

Absent and not voting:

Messrs.	Messrs.	Messrs.
Crandall	Hulteng	Stucke
Gilbertson	Kamrath	

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

Senate Bill No. 148. A Bill for an Act to Amend and Re-enact Chapter 94 of the Session Laws for the Year 1929, and Chapter 267 of the Session Laws for the Year 1935, Relating to the Custodian of the State Capitol and Grounds and Describing His Power, Duties and Appointing Such Custodian.

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, 37; nays, 8; absent and not voting, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Nelson, Barnes
Bilden	Guthrie	Nelson, Grand Fks.
Blaisdell	Kolpin	Skarvold
Cain	Kroeber	Strehlow
Coffey	Lavik	Thatcher
Crandall	Lemke	Trout
Drew	Lian	Vinje
Ettestad	Lynn	Watt
Fine	Magoffin	Whelan
Fowler	McGillic	Williams
Fredrickson	Morrison	Wog
Gilbertson	Mutchler	Young
Gronvold		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Greene	Olson	Thorson
Johnson	Owings	Topp
Kamrath	Streibel	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Lowe	Stucke
Hulteng		

So the bill passed and the title was agreed to.

Senate Bill No. 151. A Bill for an Act to Authorize, Regulate and Control the Transportation, Importation, Handling, Possession, Purchase, Sale and Dispensing of Alcohol and Alcoholic Beverages, as Now Defined by Law, in This State by Common Carriers, Providing for the Method of Taxing and Licensing Alcohol and Alcoholic Beverages When Handled and Sold by Common Carriers, and of Expending and Distributing the Revenues from Such Taxes and Licenses, and Providing Penalties for the Violation of This Act; and Declaring an Emergency.

Was read the second time.

Senator Drew moved that Senate Bill No. 151 be amended as follows:

In line 23, page 2 of the printed bill, strike out the words "five wine gallons" and insert the words "one quart".

Senator Gilbertson moved, as a substitute motion, that the bill be amended by striking out the word "five" in line 23, page 2 of the printed bill, and inserting the word "one" and change the word "gallons" to the word "gallon" in the same line.

Which motion lost.

The question being on the motion of Senator Drew, the motion lost.

Senator Fredrickson moved that Senate Bill No. 151 be amended as follows:

In line 1, strike out the comma following the second word "company" and insert the word "or".

In lines 2 and 3 of Section 1 strike out the following: "water transportation company, or other common carrier," and in line 6 of Section 1 strike out the word "vessel".

Which motion prevailed.

Senator Etestad moved that Senate Bill No. 151 be amended as follows:

In line 28, page 2 of the printed bill strike out the word "appropriated" and insert the word "apportioned".

In line 29, after the word "Commissioner" strike out the balance of the section and insert the words, "be turned over to the state general fund".

Senator McGillic moved, as a substitute motion, that Senate Bill No. 151 be re-referred to the Committee on Temperance.

Which motion prevailed.

SENATE CONCURRENT RESOLUTION "H" was read the second time.

Senator Watt moved that Senate Concurrent Resolution "H" be indefinitely postponed, which motion lost.

Senator Wog moved that further consideration of Senate Concurrent Resolution "H" be deferred one legislative day, which motion prevailed.

#### FIRST READING OF HOUSE BILLS

House Bill No. 156. A Bill for an Act Levying a Tax of One-half of One Mill Upon Each Dollar of Assessed Valuation of All Taxable Property Within the State for the Years 1937 and 1938, for the Purpose of Paying the Interest and Creating a Sinking Fund for the Payment of the Principal of the North Dakota Real Estate Bonds Now Outstanding.

Was read the first time and referred to the Committee on Taxes and Tax Laws.

House Bill No. 71. A Bill for an Act to Amend and Re-enact Section 6073 of the Supplement to the 1913 Compiled Laws of the State of North Dakota as Amended by Chapter 274 of the Session Laws of 1927 and as Further Amended by Chapter 159 of the Session Laws of 1935, Defining Usury and Fixing Penalty.

Was read the first time and referred to the Committee on Banks and Banking.

HOUSE CONCURRENT RESOLUTION "T," Relating to Federal Tax on Gasoline and Oil.

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

#### SECOND READING OF HOUSE BILLS

House Bill No. 88. A Bill for an Act to Amend and Re-enact Section 5 of Chapter 195 of the Session Laws of North Dakota for the Year 1929, Relating to the Construction of All Public Buildings and Repairs and Improvements Connected With or Pertaining Thereto, Contracts Therefor, and Allowance and Payment of Estimates Thereon.

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, 8; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Guenther	Nelson, Barnes
Cain	Guthrie	Nelson, Grand Fks.
Coffey	Kolpin	Strehlow
Crandall	Kroeber	Stucke
Drew	Lavik	Thorson
Ettestad	Lemke	Topp
Fine	Lian	Vinje
Fowler	Lynn	Watt
Fredrickson	Magoffin	Whelan
Gilbertson	McGillic	Williams
Greene	Morrison	Wog
Gronvold	Mutchler	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Owings	Thatcher
Lowe	Skarvold	Trout
Olson	Streibel	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Blaisdell	Hulteng	Kamrath
Brostuen	Johnson	

So the bill passed and the title was agreed to.

House Bill No. 128. A Bill for an Act to Amend and Re-enact Section 3846 of the Compiled Laws of North Dakota for 1913, fixing the hours during which the polls shall be open at an election upon the question of whether or not a proposed Village shall incorporate.

Was read the second time.

Senator Johnson moved that House Bill No. 128 be amended by striking out the Senate amendment in line 6 of the printed bill.

Which motion prevailed.

Senator Johnson moved that the rules be suspended, and House Bill No. 128 be placed upon Second Reading and Final Passage, as amended.

Which motion prevailed.

### ROLL CALL

The question being on the final passage of House Bill No. 128, the roll was called and there were ayes, 36; nays, 7; absent and not voting, 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Olson
Bilden	Kolpin	Owings
Blaisdell	Lavik	Skarvold
Cain	Lemke	Streibel
Coffey	Lian	Stucke
Crandall	Lowe	Thatcher
Drew	Lynn	Thorson
Ettestad	Magoffin	Topp
Fowler	McGillic	Whelan
Fredrickson	Morrison	Williams
Greene	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Gilbertson	Kroeber	Strehlow
Gronvold	Mutchler	Watt
Guthrie		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Hulteng	Trout
Fine	Kamrath	Vinje

So the bill passed and the title was agreed to.

House Bill No. 129. A Bill for an Act to Amend and Re-enact Section 3852 of the Compiled Laws of North Dakota for 1913, Fixing the Hours During Which the Polls Shall Be Open at Annual Village Elections: Declaring an Emergency.

Was read the second time.

Senator Gilbertson moved that House Bill No. 129 be amended by striking out the Senate amendments.

Which motion prevailed.

Senator Gilbertson moved that the rules be suspended, and that House Bill No. 129 be placed upon Second Reading and Final Passage, as amended.

Which motion prevailed.

### ROLL CALL

The question being on the final passage of House Bill No. 129, as amended, the roll was called and there were ayes, 40; nays, 5; absent and not voting, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Kolpin	Skarvold
Blaisdell	Kroeber	Strehlow
Brostuen	Lavik	Streibel
Cain	Lemke	Stucke
Coffey	Lian	Thatcher
Crandall	Lowe	Thorson
Drew	Lynn	Topp
Ettestad	Magoffin	Trout
Fowler	McGillic	Watt
Fredrickson	Morrison	Whelan
Gilbertson	Nelson, Grand Fks.	Williams
Greene	Olson	Wog
Guenther	Owings	Young
Johnson		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Nelson, Barnes
Gronvold	Mutchler	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fine	Kamrath	Vinje
Hulteng		

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

House Bill No. 145. A Bill for an Act Providing for a Transfer of Certain School Lands Situated in Bottineau County, State of North Dakota, with the Buildings Thereon, to the State Historical Society to Be Used and Maintained



as a Part of the State Public Park System, and Providing for an Appropriation to Reimburse the Permanent School Fund of the State.

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, 2; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Guthrie	Olson
Blaisdell	Johnson	Owings
Brostuen	Kolpin	Skarvold
Cain	Kroeber	Strehlow
Coffey	Lavik	Streibel
Crandall	Lemke	Stucke
Drew	Lian	Thatcher
Ettestad	Lowe	Thorson
Fowler	Lynn	Topp
Fredrickson	Magoffin	Trout
Gilbertson	McGillic	Whelan
Greene	Morrison	Williams
Gronvold	Mutchler	Wog
Guenther	Nelson, Barnes	Young

Those voting in the negative were:

Messrs.	Messrs.
Aasen	Watt

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fine	Kamrath	Vinje
Hulteng	Nelson, Grand Fks.	

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

Senator Cain requested that the Senate return to the Seventh Order of Business.

Which motion prevailed.

Senator Cain moved that the rules be suspended and House Bill No. 52 be placed upon Second Reading and Final Passage.

Which motion prevailed.

House Bill No. 52. A Bill for an Act to Validate and Legalize Proceedings Taken Under Chapter 116, Laws 1919, to Establish and Construct Flood Irrigation Projects, Issue Bonds, Warrants and Other Evidences of Indebtedness to Finance the Cost of Such Projects, Levy Assessments and Taxes for the Payment of Such Indebtedness, and Declaring Such Obligations and Obligations Issued or to Be Is-

sued to Fund Such Indebtedness Valid and Legal, 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, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Johnson	Owings
Blaisdell	Kolpin	Skarvold
Brostuen	Kroeber	Strehlow
Cain	Lavik	Streibel
Coffey	Lemke	Stucke
Crandall	Lian	Thatcher
Drew	Lowe	Thorson
Ettestad	Lynn	Topp
Fowler	Magoffin	Trout
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Wog
Gronvold	Nelson, Barnes	Young
Guenther	Nelson, Grand Fks.	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fine	Kamrath	Williams
Hulteng	Vinje	

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

Senator Trout moved that the vote by which House Bill No. 52 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Nelson of Barnes moved that the Senate concur in the House amendments to Senate Bill No. 48.

Which motion prevailed.

Senator Nelson of Barnes moved that the rules be suspended and Senate Bill No. 48 be considered properly re-engrossed, and placed upon Second Reading and Final Passage as amended, which motion prevailed.

### SECOND READING OF SENATE BILLS

Senate Bill No. 48. A Bill for an Act to Amend and Re-enact Section 1164 of the Compiled Laws of the State of North Dakota for 1913, Pertaining to the Duties of the Clerks of Common School Districts, and 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, 45; nays, 0; absent and not voting 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Johnson	Owings
Blaisdell	Kolpin	Skarvold
Brostuen	Kroeber	Strehlow
Cain	Lavik	Streibel
Coffey	Lemke	Stucke
Crandall	Lian	Thatcher
Drew	Lowe	Thorson
Ettestad	Lynn	Topp
Fine	Magoffin	Trout
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fowler	Kamrath	Vinje
Hulteng		

So the bill passed and the title was agreed to.

### COURTESIES OF THE FLOOR

The courtesies of the floor were extended to the following:

T. W. Thordarson, Fargo; Mr. and Mrs. A. C. Strutz, Bismarck; Dr. Harriman, Oscar C. Redwing, Grand Forks; Violet Sperling, Lucille Bauer, Bismarck.

Senator Coffey moved that the Senate do now adjourn, which motion prevailed. The Senate stood adjourned.

THOMAS McDONALD,  
Secretary.

## THIRTY-EIGHTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
February 11, 1937.

The Senate convened at 2:00 p. m., pursuant to adjournment, the President presiding.

Prayer by the Chaplain, Rev. O. O. Andvik, Mandan.

Roll Call: All members present except Senators Hulteng and Thatcher.

Senator Strehlow moved that all absent Senators be excused, which motion prevailed.

## MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 11, 1937.

Mr. Speaker: I have the honor to return herewith the following bill:

House Bill No. 31. A Bill for an Act to Amend and Re-enact Section 4950a13 of the Session Laws for the Year 1915, Relating to County Mutual Insurance Companies.

Which the Senate has amended as follows:

In line 14, Section 1 of the engrossed bill, correct spelling of the word "extension".

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 11, 1937.

Mr. Speaker: I have the honor to return herewith the following bills:

House Bill No. 36. A Bill for an Act Forbidding Com-

pulsory Military Training and Tactics in State Supported Educational Institutions.

Also,

House Bill No. 57. A Bill for an Act Declaring Volunteer Firemen to Be Employees of the Municipalities Which They Serve, and Entitled to the Protection of the Workmen's Compensation Laws of the State; Defining the Term "Volunteer Firemen"; Fixing the Basis of Payment of Benefits Out of the Workmen's Compensation Fund and the Method of Making Assessments of Premiums Against Municipalities.

Which the Senate has passed unchanged.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 11, 1937.

Mr. Speaker: I have the honor to transmit herewith the following:

Senate Bill No. 140. A Bill for an Act to Amend and Re-enact Section 1649 of the Compiled Laws of the State of North Dakota for the Year 1913, Providing for Experimentation and Testing of State Minerals or Allied Industrial Resources of the School of Mines at the University of North Dakota, or at Any Mining Experimental Station, or Substation Wheresoever Situated in the State of North Dakota, and Providing for the Patenting of Processes and Inventions Discovered and Developed by Such Experimentation, and Declaring an Emergency.

Also,

SENATE CONCURRENT RESOLUTION "G".

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

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
February 11, 1937.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to

House Bill No. 78. A Bill for an Act Providing for the Registration of Public Contractors, and Defining the Term Public Contractor; Providing the Requirements and Method of Obtaining a License to Engage in the Business of Public

Contracting in the State of North Dakota; Classifying and Fixing the Fee for Such License; Providing the Method of Suspension, Cancellation and Reinstatement Thereof; Providing Added Requirements in Bond of Foreign Contractor; Prescribing Penalties for the Violation of This Act; and Repealing All Acts or Parts of Acts in Conflict With the Provisions Hereof, and Declaring an Emergency.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 11, 1937.

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

Senate Bill No. 69. A Bill for an Act to Amend and Re-enact Section 3585 of the Compiled Laws of 1913 Relating to the Qualifications of City Aldermen, Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Also,

Senate Bill No. 87. A Bill for an Act Providing for the Application to Highway Purposes of All Special Taxes on Motor Vehicle Transportation and Declaring an Emergency.

Which the House has passed unchanged.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 11, 1937.

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

House Bill No. 81. A Bill for an Act Extending the Definition of "Villages" to Include "Incorporated Towns" Where Such Towns Were Incorporated Under Any Law of the Territory of Dakota or of the State of North Dakota, and Repealing All Acts or Parts of Acts in Conflict Therewith.

Also,

House Bill No. 160. A Bill for an Act Amending and Re-enacting Chapter 242 of the 1931 Session Laws of the State of North Dakota; Defining High Schools and Schools Doing High School Work, and Providing That Superintendent of Public Instruction Shall Provide State Course of Study for High Schools as Herein Defined.

Also,

House Bill No. 87. A Bill for an Act to Amend and Re-enact Section 35 of Chapter 148 of the 1931 Session Laws, as Amended by Section 35 of Chapter 143 of the 1935 Session Laws, Relating to the Bag and Possession Limits on Protected Game Birds, and Prescribing a Penalty for the Violation of the Provisions Hereof.

Also,

House Bill No. 118. A Bill for an Act to Provide for Additional and Supplemental Assessments of Omitted Property for Benefits for Improvements Established, Constructed and Maintained Pursuant to Chapter 116, Laws of 1919, and to Amend Chapter 116, Laws of 1919.

Also,

House Bill No. 179. A Bill for an Act Making it Unlawful to Obtain or Attempt to Obtain Relief by False and Fraudulent Representation.

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

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### REPORT OF COMMITTEE ON REVISION AND CORRECTION OF THE JOURNAL

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 Thirty-Seventh day and find the same to be correct, and recommend that the same be approved.

C. C. MORRISON,  
Chairman.

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

#### PETITIONS AND COMMUNICATIONS

The following petitions and communications were received, read from the desk, and referred to the appropriate committees:

A communication from the Bismarck Labor Club urging passage of House Bill 21.

A resolution adopted by the County Commissioners of McKenzie county urging passage of legislation patterned insofar as possible after irrigation laws of Montana, providing for adequate appropriation of funds to accomplish purposes of such statute, also adoption of statute clarifying the right to appropriation and use of public waters of state.

A resolution from the County Commissioners of McKenzie county stating that payment of tolls on public highway worked a hardship and injustice on those forced to travel on such highway and urging legislation to provide that the Fairview toll bridge be made a free vehicular bridge.

A communication from the County Commissioners Association of North Dakota urging passage of legislation providing for 100% valuation of all personal and real estate property; extension of Refunding Act (Chapter 195, 1935 Session Laws); new Certificate of Indebtedness law; continuation of sales tax; recommending that the State assume all expense of care of indigent patients at state institutions; and legislation providing that where state lands are acquired by mortgage foreclosure or otherwise by the Bank of North Dakota or State Land Department, where same are rented, that a portion of such rental be paid to counties and other subdivisions in lieu of taxes, if such law is constitutional.

A telegram from the North Dakota Wool Growers Association stating their convention had endorsed Pettingill Bill, and urging legislature to pass a resolution to same effect, being in the interests of the North Dakota shippers.

Two telegrams urging support of Governor's veto of Veterans Commission bill.

A petition signed by 35 citizens of Hastings, urging passage of Senate Bill No. 149.

A communication signed by approximately 225 citizens of McKenzie county protesting passage of House Bill No. 15, and urging defeat of any legislation proposing any further tax on lignite.

A communication handed in by Senator Williams signed by 92 citizens and voters of Williams county requesting passage of relief appropriation in amount of \$1,500,000.

Senator Williams discussed the communication and the relief appropriation referred to therein as follows:

Senator Williams: After receiving this communication I felt inclined to resent the criticisms of myself and the Senate. I believe that the drawing up of the resolution and the sending of it to me was inspired by the Governor's radio speech on February 1st, in which he criticized the Senate's action on making the relief appropriation.

This appropriation measure came to us from the House of Representatives where it originated, and was referred to the Appropriation Committee of the Senate. I believe I am correct in saying that in considering this appropriation, the Senate Appropriation Committee consulted with the heads of the various relief agencies as to their needs, and also with the Treasurer of the State of North Dakota. Upon being informed by the State Treasurer that there was very little money in the State Treasury, it was felt



by the Appropriation Committee that instead of making an appropriation for six months as called for in the original Bill, that they would make an appropriation for two months. It was felt by the Committee that in view of the shortage of funds in the State Treasury, this was the logical thing to do and would inflict no hardship on the part of the people of the State of North Dakota since further appropriations could be made if needed and at a time when there should be more money in the State Treasury.

I went up to the State Treasurer and found out that they were still broke, and I went to the Public Welfare office and found out that they had Eighty Thousand Dollars (\$80,000.00) left over for the month of January of the sum appropriated.

I do not know why the Governor should pan us; I don't know why he shouldn't look into the matter before he goes on the air. I believe anyone, especially the Governor of the State of North Dakota, should look into these matters before going on the air and making remarks.

I have numerous friends in Williams County and a few outside of the county, and maybe one or two here in the Senate, and I want to keep them. No man has a keener understanding of, or greater sympathy with the distress of the people of North Dakota at this time, and I very much resent being placed in a situation so as to appear not to be sympathetic.

We appropriated more funds than the State Public Welfare board used for January, and we provided for relief needs for February, holding in mind that the federal government has not expressed itself, and congress not yet acted, on relief grants which the state hopes to receive to help meet the situation.

In closing, I want to emphasize that the appropriations committee, in considering this bill, gave full attention both to the needs of the people, the present state of the treasury, and to the need for additional federal relief grants by congress. The committee and legislature also passed the appropriation for two months with the expression that further appropriation would be made as soon as needed for the remaining months, at which time the legislature will know just what the entire situation is, so far as state and federal income is concerned, and will have the entire relief need program before it.

Senator Watt addressed the Chair as follows:

Mr. President: I had not intended to bring up the matter of the Governor's criticism of the Senate appropriation, but since Mr. Williams, the gentleman from Williams County, has done so I cannot help but confirm him in the remarks that he has made. The situation in regard to the Relief Bill was this:

The House of Representatives had passed a bill calling for an appropriation of \$1,500,000 without regard to where this money was coming from. Now, as a North Dakota farmer, a

million and a half dollars looks like a lot of money to me, and I, for one, was not willing to pass this bill until we had some information as to where the money was coming from and how it was going to be spent, and the necessity therefor.

We immediately proceeded to call in the State Treasurer. He informed us that there was no money in the State Treasury, in fact that nearly all funds in the State Treasury were overdrawn. He informed us, however, that by January 20th there would be about \$700,000 coming in from the Sales Tax for the quarter ending December 31, 1936, and that this amount of money had not been ear-marked for any purpose. In fact, Mr. President, this was the money that the Board of Equalization was instructed by the last legislative Assembly to turn into the General Fund—all allocations of money provided for in the 1935 Sales Tax having been made.

The Senate Committee on Appropriations thereupon amended the bill, providing for this money to be taken from the Sales Tax. On considering the amount necessary for relief, we decided that, under the circumstances, the best thing to do would be to make an appropriation for two months, and that by that time we would have ample opportunity to consider the matter of where the money would be raised and the necessity for the expenditure thereof. As to the amount, Mr. President, we inquired as to the expenditures for November and December, 1936, and after giving due consideration to the matter decided that as January and February would perhaps be very cold stormy months and would require heavy expenditures, at least more than during the previous two months, we would make the amount \$200,000 per month. The House of Representatives declined to accept our amendments to the Relief Bill. A conference committee was appointed and at a meeting held, the House members insisted on this amount being raised to \$500,000, which, in fact, Mr. President, was exactly the amount requested per month in the bill as originally drawn.

Mr. President, the Governor in his remarks in his radio address the other night said, "The Welfare Board is doing fine work, and is entitled to the support and confidence of the people of the state." In which remark, Mr. President, I thoroughly agree.

Now, Mr. President, after the Welfare Board had made their allotments for January, as per the request of the County Welfare Boards, we find this: that their allotment was \$166,930, or \$83,070 less than the amount appropriated for their use for the month of January, or \$33,070 less than the Senate Committee on Appropriations originally allowed when they passed this bill. The Governor also says, Mr. President, "Some gentlemen of the Senate Appropriations Committee seem to think they know more about this matter than the Welfare Board and the Federal government combined." The facts are, Mr. President, that we were nearer right as to the amount necessary than any of them, and, of course, being good citizens of North Dakota and wishing to see all needy persons taken care of, we erred on the right side.

Now, Mr. President, as a member of this Legislature, and

being a constitutional part of the state government, it is my privilege as Senator, representing the people of the Eleventh Legislative District, to express myself and use my judgment in any matter that comes before the assembly, as I see fit, without fear or favor from anyone.

Senator Mutchler moved that the Senate extend a vote of confidence to the Committee on Appropriations, as it was his belief they had exercised their best judgment and done the only thing possible in regard to the relief appropriation referred to, which motion prevailed.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 11, 1937.

Mr. Speaker: I have the honor to return:

House Bill No. 52. A Bill for an Act to Validate and Legalize Proceedings Taken Under Chapter 116, Laws 1919, to Establish and Construct Flood Irrigation Projects, Issue Bonds, Warrants and Other Evidences of Indebtedness to Finance the Cost of Such Projects, Levy Assessments and Taxes for the Payment of Such Indebtedness, and Declaring Such Obligations and Obligations Issued or to Be Issued to Fund Such Indebtedness Valid and Legal, and Declaring an Emergency.

Which the Senate has amended.

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
February 11, 1937.

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

House Bill No. 4. A Bill for an Act Making an Appropriation for the Care of Insane Patients Whose Residence Cannot be Determined and Whose Care Must be Borne by the State.

Also,

House Bill No. 18. A Bill for an Act to Provide for the Taxation of Drilling Rigs and All Other Equipment Used in Prospecting for Oil and Gas in the State of North Dakota.

Also,

House Bill No. 73. A Bill for an Act to Amend and Re-enact That Certain Initiated Law Entitled: "An Act Reducing, Equalizing and Fixing Allowances for Mileage and Travel Expense of State Officials, Elective and Appointive, Their

Deputies, Assistants, Clerks and Other State Employees, and Repealing All Acts and Parts of Acts in so far as They Are in Conflict Herewith, and Taking Effect as to All Except Elective Officials on the 30th Day of July, 1932, and as to Elective Officials Upon Their Election and Qualification Hereafter," Adopted and Approved by the Electors at the June 29th, 1932, Primary Election, Reducing and Fixing Allowances for Mileage and Travel Expense of State Officials, Elective and Appointive, Their Deputies, Assistants, Clerks and Other State Employees, Providing for the Filing of an Itemized Statement Thereof, Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Which the Speaker has signed and your signature is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

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. 96. A Bill for an Act Appropriating Six Thousand Dollars (\$6,000.00) to the State Historical Society for the Development of the International Peace Garden on the American Side in Rollette County, North Dakota.

Also,

Senate Bill No. 133. A Bill for an Act to Amend and Re-enact That Portion of Section 2166 of the Supplement to the Compiled Laws of 1913 as was Amended and Re-enacted by Sub-Section (b) of Section 1 of Chapter 279 of the 1931 Session Laws Relating to the Collection of Personal Property Taxes; Providing for Publication of Personal Property Tax List in Newspapers Nearest the Taxing District. Repeal.

Also,

Senate Bill No. 72. A Bill for an Act Relating to the Foreclosure of Real Estate Mortgages and Land Contracts, Providing What the Judgment and Decree Shall Contain, and Prohibit any Deficiency Judgments.

Also,

Senate Bill No. 125. A Bill for an Act to Amend and Re-enact Section 951, Compiled Laws of North Dakota of the Year 1913, as Amended by Chapter 136 of the Session Laws of 1927; Providing for Inspectors and Judges of Election, Their Qualifications and Duties.

Also,

Senate Bill No. 135. A Bill for an Act to Amend and Re-enact Section 4398 of the Supplement to the Compiled Laws of 1913, Relating to the Term of Residence of Plaintiff in an Action for Divorce and Declaring an Emergency.

And find the same correctly engrossed.

WM. KROEBER,  
Chairman.

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

#### REPORT OF STANDING COMMITTEES

The Committee on Delayed Bills made the following report:

Mr. President: Your Committee on Delayed Bills to whom was referred:

A Bill for an Act providing for the payment to the State Treasurer of all public monies, and the disbursement and expenditure upon prior appropriation. (Introduced by the Committee on Taxes and Tax Laws).

A Bill for an Act establishing the County Unit Plan of School Organization. (Introduced by the Committee on Taxes and Tax Laws).

A Senate Concurrent Resolution for the amendment of Section 186, Article 12. (Introduced by the Committee on Taxes and Tax Laws).

A Senate Concurrent Resolution for the amendment of Section 150, Article 8. (Introduced by the Committee on Taxes and Tax Laws).

A Bill for an Act authorizing the Historical Society to sell lands for park purposes. (Introduced by Senator Guthrie).

A Bill for an Act to amend Section 368A3 of the 1925 Supplement. (Introduced by Senators Kroeber, Lavik, Topp and Trout).

A Bill for an Act to amend Section 5235a1 of the 1915 Supplement. (Introduced by Senators Kroeber, Lavik, Topp and Trout).

Have had the same under consideration and recommend that the same be approved for introduction.

TOM WHELAN,  
Chairman.

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

The Committee on Banks and Banking made the following report:

Mr. President: Your Committee on Banks and Banking to

whom was referred Senate Bill No. 105, have had the same under consideration and recommend that the same do pass.

MAX H. STREHLOW,  
Chairman.

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

The Committee on State Affairs made the following report:

Mr. President: Your Committee on State Affairs to whom was referred Senate Bill No. 110, have had the same under consideration and recommend that the same be amended as follows:

In Section 4, line 5, of the original bill correct the spelling of the word "States."

And when so amended, recommend that the same do pass.

G. F. DREW,  
Chairman.

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

The Committee on Education made the following report:

Mr. President: Your Committee on Education to whom was referred Senate Bill No. 145, have had the same under consideration and recommend that the same be indefinitely postponed.

C. W. FINE,  
Chairman.

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

The committee on Agriculture and Livestock made the following report:

Mr. President: Your Committee on Agriculture and Livestock to whom was referred Senate Bill No. 170, have had the same under consideration and recommend that the same do pass.

HERMAN THORSON,  
Chairman.

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

The Committee on Banks and Banking made the following report:

Mr. President: Your Committee on Banks and Banking to whom was referred Senate Bill No. 173, have had the same under consideration and recommend that the same do pass.

MAX H. STREHLOW,  
Chairman.

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

The Committee on Agriculture and Livestock made the following report:

Mr. President: Your Committee on Agriculture and Livestock to whom was referred Senate Bill No. 179, have had the same under consideration and recommend that the same do pass.

HERMAN THORSON,  
Chairman.

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

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 11, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bill.

Senate Bill No. 72. A Bill for an Act Relating to the Foreclosure of Real Estate Mortgages and Land Contracts, Providing What the Judgment and Decree Shall Contain, and Prohibit any Deficiency Judgments.

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

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### REPORTS OF STANDING COMMITTEES

The Committee on Irrigation and Drainage made the following report:

Mr. President: Your Committee on Irrigation and Drainage to whom was referred Senate Bill No. 180, have had the same under consideration and recommend that the same do pass.

F. T. GRONVOLD,  
Chairman.

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

The Committee on State Affairs made the following report:

Mr. President: Your Committee on State Affairs to whom was referred Senate Bill No. 181, have had the same under consideration and recommend that the same be amended as follows:

In Section 1, line 14, of the original bill, correct the spelling of the word "nonfeasance".

And when so amended recommend the same do pass.

G. F. DREW,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 185, have had the same under consideration and recommend that the same do pass.

B. W. LEMKE,  
Chairman.

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

The Committee on Agriculture and Livestock made the following report:

Mr. President: Your Committee on Agriculture and Livestock to whom was referred:

JOINT RESOLUTION "O"

Have had the same under consideration and recommend that the same be amended as follows:

The Title of the Resolution shall be changed to read "Senate Concurrent Resolution 'O'."

In line 14 of the Resolution, strike out the words "House of Representatives," and insert in lieu thereof the word "Senate".

In line 15 of the Resolution, strike out the word "Senate," and insert in lieu thereof the words "House of Representatives".

And when so amended recommend the same do pass.

HERMAN THORSON,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 12, have had the same under consideration and recommend that the same do pass.

B. W. LEMKE,  
Chairman.



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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 44, have had the same under consideration and recommend that the same do pass.

B. W. LEMKE,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 60, have had the same under consideration and recommend that the same do pass.

B. W. LEMKE,  
Chairman.

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

The Committee on Taxes and Tax Laws made the following report:

Mr. President: Your Committee on Taxes and Tax Laws to whom was referred House Bill No. 72, have had the same under consideration and recommend that the same do pass.

J. K. BROSTUEN,  
Chairman.

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

The Committee on Agriculture and Livestock made the following report:

Mr. President: Your Committee on Agriculture and Livestock to whom was referred:

HOUSE CONCURRENT RESOLUTION "O"

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

HERMAN THORSON,  
Chairman.

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

Senator Gilbertson moved that the Senate reconsider the vote by which Senate Bill No. 148 was passed, which motion prevailed.

Senator Gilbertson moved that further consideration of Senate Bill No. 148 be deferred until it was known what action was taken upon a similar bill now pending in the House, which motion lost.

Senator Gilbertson moved that further consideration of Senate Bill No. 148 be made a special order of business for three o'clock Wednesday.

Senator Fowler moved as a substitute motion that further consideration of Senate Bill No. 148 be made a special order of business for tomorrow, which motion prevailed.

Senator Blaisdell moved that further consideration of Senate Bill No. 38 be deferred one legislative day, which motion prevailed.

Senator Fowler moved that the vote by which Senate Bill No. 118 was indefinitely postponed be reconsidered, which motion prevailed.

Senator Fowler moved that Senate Bill No. 118 be referred to the Committee on Appropriations.

Senator Lemke moved, as a substitute motion, that Senate Bill No. 118 be referred to the State Affairs Committee, which motion lost.

Senator Brostuen moved, as a substitute motion, that Senate Bill No. 118 be placed on the calendar, which motion prevailed.

Senator Ettestad moved that Senate Bill No. 204 be referred to the Committee on Taxes and Tax Laws, which motion prevailed.

Senator Drew moved that Senate Bills No. 163 and 196 be re-referred to the Committee on State Affairs, which motion prevailed.

Senator Strehlow moved that further consideration of Senate Bill No. 66 be deferred one legislative day, which motion prevailed.

Senator Fine presented a communication relative to the State Agricultural Department and moved that same be printed in the Journal, which motion prevailed.

901 Avenue E.  
Bismarck, North Dakota,  
February 11, 1937.

To the Members of the Senate of the Twenty-fifth Legislative Assembly of North Dakota.

Gentlemen:

Rumors have come to me through various sources that there is some question regarding the deficiency appropriation in the department of which I was a former head, and statements have been made that I am responsible for misappropriating monies appropriated to that department. In

order to enlighten the Senators who are going to be asked to vote upon this deficiency appropriation, I wish to set up facts as they can be found in the Bank Examiner's Report dated December 31, 1936, a copy of which is on file with the State Bank Examiner in the State Capitol Building. The records reveal that of the \$29,824 appropriated by the Legislature of 1935 \$6,264.09 remained. Of the appropriation made by the same Assembly in the Commissioner of Agriculture and Labor's office of \$20,719.32 there remains \$4,109.05. In the Minimum Wage Department which appropriation is \$3,992 there remains \$897.58, which leaves a deficit of \$2,113.78 in order to have left one-fourth of the appropriation.

The reason for this goes back to eighteen months ago when the Welfare Board was set up, an agreement was had with them that I would set up the Old Age Pensions, bring the record up to date, and by the opinion of the Attorney General I would continue to carry on the work in the office in order to conform to the 1933 Session laws. I told the Welfare Board at that time that it would be necessary for me to have additional employees and money for supplies, and additional equipment, or approximately \$5,000. It was agreed among the various members that this would be done and that \$5,000 would be transferred to my office to repay me for additional clerk hire to carry on this particular piece of work. When my funds became exhausted I requested the transfer of this money but it was necessary to get an Attorney General's opinion to find out whether the transfer was legal, which opinion I am herewith giving to your Honorable Body as a matter of record. I also have an opinion from Alvin Strutz, who is an attorney here in Bismarck, that the transfer would be legal and within the statutes. The Welfare Board then requested the transfer and the State Auditor refused to recognize the transfer even with the opinion of the Attorney General which was shown the State Auditor. When this took place it naturally left the Commissioner of Agriculture and Labor's appropriation for clerk hire in a very bad shape. If this transfer had been made there would have been in the office to the credit of the new Commissioner an excess of \$2,800 of the one-fourth which, under the rules and regulations should revert to him.

I want to say that the Commisisoner of Agriculture and Labor's office should have more money and that the appropriation requested by Mr. Hagan should be approved because, due to the increase in Federal set-ups such as the Triple A, Soil Conservation, and the prospect of Crop Insurance, there are more statistics requested from the office and more help is needed to have this available to the general public.

The appropriation for the deficiency appropriation as requested is not too much and should be granted to him, while the budget requested for next year should be increased to that extent that the work can be carried on without a handicap to him or to those who desire information when they come into the office.

If I am in town when the bill comes up for hearing I should be glad to appear before the Committee and discuss any angle of it that they would like to have me discuss.

Yours very truly,

THEO. MARTELL

State of North Dakota  
OFFICE OF ATTORNEY GENERAL  
Bismarck

December 1, 1936.

Hon. Theodore Martell,  
Commissioner Agriculture and Labor,  
Bismarck, North Dakota.

Dear Mr. Martell:

This is in reply to yours of November 27th addressed to this office, and relating to your office being reimbursed for postage, blanks and clerical assistance necessary for your department to expend in conducting the business of the Old Age Pension Law.

After discussing the matter with the members in this office, we have reached the opinion that the Old Age Pension Fund, under the law can legally be charged with the items mentioned that are necessary to a proper administration of the Old Age Pension Law.

You are, therefore, advised that the Old Age Pension Fund can be charged with a sufficient amount to reimburse your office for the items herein set forth.

Respectfully yours,

T. A. THOMPSON,  
Assistant Attorney General.

#### FIRST READING OF SENATE BILLS

The Committee on Taxes and Tax Laws introduced:

Senate Bill No. 237. A Bill for an Act Establishing the County Unit Plan of School Organization, and Repealing All Other Acts and Parts of Acts in Conflict Herewith.

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

The Committee on Taxes and Tax Laws (recommended by the Tax Survey Commission) introduced:

Senate Bill No. 238. A Bill for an Act Providing for the Payment to the State Treasurer of All Public Monies of the State of North Dakota, and the Disbursement and Expenditure Thereof Only Upon Prior Appropriation by the Legislature, Appropriating Certain Monies, and Providing Further that Expenditures May Be Made Only Upon Warrant After Audit of Itemized Statements of All Claims Against The State,

County or Other Political Subdivision, Repealing All Acts or Parts of Acts in Conflict Therewith, Declaring an Emergency and Providing a Saving Clause.

Was read the first time and referred to the Committee on Taxes and Tax Laws.

Senator Guthrie introduced:

Senate Bill No. 239. A Bill for an Act Authorizing and Directing the State Historical Society of North Dakota to Sell to the United States Government Lands Acquired for Park Purposes at Arrowood Lake in Stutsman County, North Dakota and Providing for Manner of Disposing of Funds Accruing From Said Sale, and Declaring an Emergency.

Was read the first time and referred to the Committee on Federal Relations.

Senator Kroeber introduced:

Senate Bill No. 240. A Bill for an Act to Amend and Re-enact Section 5235a1 of the 1925 Supplement to the Compiled Laws of North Dakota 1913 Relating to the Securities Commission, and Making the State Examiner Ex-officio Secretary of That Commission, and Repealing All Acts or Parts of Acts in Conflict Herewith:

Was read the first time and referred to the Committee on Banks and Banking.

Senator Kroeber introduced:

Senate Bill No. 241. A Bill for an Act to Amend Section 368a3 of the 1925 Supplement to the Compiled Laws of North Dakota 1913 Relating to the Industrial Commission of North Dakota and Providing and Designating the Secretary of Such Commission, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Was read the first time and referred to the Committee on Banks and Banking.

The Committee on Taxes and Tax Laws introduced:

SENATE CONCURRENT RESOLUTION "R".

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

The Committee on Taxes and Tax Laws introduced:

SENATE CONCURRENT RESOLUTION "S".

Was read the first time and referred to the Committee on Taxes and Tax Laws.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 133. A Bill for an Act to Amend and Re-enact That Portion of Section 2166 of the Supplement to the Compiled Laws of 1913 as was Amended and Re-enacted by

Sub-Section (b) of Section 1 of Chapter 279 of the 1931 Session Laws Relating to the Collection of Personal Property Taxes; Providing for Publication of Personal Property Tax List in Newspapers Nearest the Taxing District. Repeal.

Was read the second time.

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 37; nays, 5; absent and not voting, 7.

### ROLL CALL

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Nelson, Barnes
Bilden	Guthrie	Nelson, Grand Fks.
Blaisdell	Johnson	Owings
Brostuen	Kamrath	Skarvold
Cain	Lavik	Strehlow
Coffey	Lemke	Stucke
Crandall	Lian	Thorson
Drew	Lynn	Topp
Fine	Magoffin	Vinje
Fowler	McGillic	Watt
Fredrickson	Morrison	Whelan
Gilbertson	Mutchler	Wog
Gronvold		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Ettestad	Kroeber	Streibel
Greene	Olson	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Hulteng	Thatcher	Williams
Kolpin	Trout	Young
Lowe		

So the bill passed and the title was agreed to.

Senate Bill No. 135. A Bill for an Act to Amend and Re-enact Section 4398 of the Supplement to the Compiled Laws of 1913, Relating to the Term of Residence of Plaintiff in an Action for Divorce and Declaring an Emergency.

Was read the second time.

Senator Lynn moved that Senate Bill No. 135 be amended as follows:

On page 1 of the printed bill, line 6, strike out the word "thirty" and insert the word "seventy".

Which motion prevailed.

The President called Senator Fowler to the chair.

Senator Johnson moved that Senate Bill No. 135 be amended as follows:

On page 2 of the printed bill, line 15, strike out the words "sixty days" and insert the words "six months."

Senator Lynn moved, as a substitute motion, that Senate Bill No. 135 be amended on page 2, line 15, by striking out the word "sixty" and inserting the word "ninety".

Which motion prevailed.

Senator Lynn moved that the rules be suspended and Senate Bill No. 135 be placed upon Second reading and final passage as amended, which motion prevailed.

### ROLL CALL

The question being on the final passage of Senate Bill No. 135, as amended, the roll was called and there were ayes, 20; nays, 27; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Kroeber	Thorson
Coffey	Lynn	Topp
Crandall	Magoffin	Whelan
Ettestad	Nelson, Grand Fks.	Williams
Gilbertson	Owings	Wog
Guenther	Strehlow	Young
Johnson	Streibel	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Gronvold	Morrison
Bilden	Guthrie	Mutchler
Brostuen	Kamrath	Nelson, Barnes
Cain	Kolpin	Olson
Drew	Lavik	Skarvold
Fine	Lemke	Stucke
Fowler	Lian	Trout
Fredrickson	Lowe	Vinje
Greene	McGillic	Watt

Absent and not voting:

Messrs.	Messrs.
Hulteng	Thatcher

So the bill was declared lost.

Senator Watt moved that the vote by which Senate Bill No. 135 was lost be reconsidered and the motion to reconsider the laid on the table.

Which motion prevailed.

Senate Bill No. 138. A Bill for an Act to Amend and Re-

enact Section 3839 of the Compiled Laws of North Dakota for the Year 1913.

Was read the second time.

Senator Johnson moved that Senate Bill No. 138 be amended as follows:

In line 1, Section 2, of the printed bill, strike out the word and figure "Section 2," and renumber the following Section.

Which motion prevailed.

Senator Johnson moved that the rules be suspended and Senate Bill No. 138 be placed upon Second Reading and Final Passage, as amended.

Which motion prevailed.

### ROLL CALL

The question being on the final passage of Senate Bill No. 138, as amended, the roll was called and there were ayes, 44; nays, 0; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Nelson, Grand Fks.
Bilden	Johnson	Olson
Blaisdell	Kamrath	Owings
Brostuen	Kolpin	Skarvold
Cain	Kroeber	Strehlow
Coffey	Lavik	Streibel
Crandall	Lemke	Thorson
Drew	Lian	Topp
Ettestad	Lowe	Trout
Fine	Lynn	Vinje
Fowler	Magoffin	Watt
Fredrickson	McGillic	Whelan
Greene	Morrison	Wog
Gronvold	Mutchler	Young
Guenther	Nelson, Barnes	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Gilbertson	Stucke	Williams
Hulteng	Thatcher	

So the bill passed and the title was agreed to.

Senator Watt moved that the Senate recess for 10 minutes.

Which motion prevailed.

The Senate reconvened pursuant to recess taken, President Thoresen presiding.

Senator Johnson requested a call of the House.

Which request was granted.



Senator Johnson moved that further proceedings under the call of the House be dispensed with.

Which motion prevailed.

#### MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
February 11, 1937.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to House Bill No. 31.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 11, 1937.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to House Bill No. 52.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 143. A Bill for an Act Authorizing the Secretary of State to Contract with the Lawyer's Co-operative Publishing Company of Rochester, New York, for the Publication of a Compiled Edition of the Laws of North Dakota; Making an Appropriation; Creating a Revolving Loan Fund; 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, 12; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Mutchler
Blaisdell	Kamrath	Nelson, Grand Fks.
Cain	Kolpin	Owings
Coffey	Kroeber	Strehlow
Crandall	Lavik	Streibel
Drew	Lemke	Topp
Fowler	Lian	Trout
Fredrickson	Lowe	Vinje
Gilbertson	Lynr	Watt

Messrs.	Messrs.	Messrs.
Gronvold	Magoffin	Whelan
Guenther	McGillic	Young
Guthrie		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Bilden	Greene	Skarvold
Brostuen	Morrison	Stucke
Ettestad	Nelson, Barnes	Thorson
Fine	Olson	Wog

Absent and not voting:

Messrs.	Messrs.	Messrs.
Hulteng	Thatcher	Williams

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

Senator Cain moved that the vote by which Senate Bill No. 143 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 11, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bill:

Senate Bill No. 143. A Bill for an Act Authorizing the Secretary of State to Contract with the Lawyer's Co-operative Publishing Company of Rochester, New York, for the Publication of a Compiled Edition of the Laws of North Dakota; Making an Appropriation; Creating a Revolving Loan Fund; and Declaring an Emergency.

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

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 154. A Bill for an Act to Provide a Method of Voting at any General or Primary Election by Electors Absent or Anticipating Being Absent on the Day of Such Election from the County in Which They are Electors, Repealing Sections 992, 993, 995 and 996 of the Compiled Laws of North Dakota 1913 as Amended by Chapter 136 of the 1931 Session Laws and by Chapter 107 of the 1933 Session Laws, and Repealing Sections 994, 997, 998, 999, 1000, 1001,

1002, 1003 and 1004 of the Compiled Laws of North Dakota 1913, 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, the roll was called and there were ayes, 45; nays, 2; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Nelson, Grand Fks.
Bilden	Johnson	Olson
Brostuen	Kamrath	Owings
Cain	Kolpin	Skarvold
Coffey	Kroeber	Strehlow
Crandall	Lavik	Streibel
Drew	Lemke	Stucke
Ettestad	Lian	Topp
Fine	Lowe	Trout
Fowler	Lynn	Vinje
Fredrickson	Magoffin	Watt
Gilbertson	McGillic	Whelan
Greene	Morrison	Williams
Gronvold	Mutchler	Wog
Guenther	Nelson, Barnes	Young

Those voting in the negative were:

Messrs.	Messrs.
Blaisdell	Thorson

Absent and not voting:

Messrs.	Messrs.
Hulteng	Thatcher

So the bill passed and the title was agreed to.

Senator Ettestad moved that Senate Bill No. 122 be referred to the Committee on Elections.

Which motion prevailed.

Senator Cain moved that further consideration of Senate Concurrent Resolution "H" be deferred one legislative day.

Which motion prevailed.

**FIRST READING OF HOUSE BILLS**

House Bill No. 81. A Bill for an Act Extending the Definition of "Villages" to Include "Incorporated Towns" Where Such Towns Were Incorporated Under Any Law of the Territory of Dakota or of the State of North Dakota, and Repealing All Acts or Parts of Acts in Conflict Therewith.

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

House Bill No. 160. A Bill for an Act Amending and Re-enacting Chapter 242 of the 1931 Session Laws of the State of North Dakota; Defining High Schools and Schools Doing High School Work, and Providing That Superintendent of Public Instruction Shall Provide State Course of Study for High Schools as Herein Defined.

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

House Bill No. 87. A Bill for an Act to Amend and Re-enact Section 35 of Chapter 148 of the 1931 Session Laws, as Amended by Section 35 of Chapter 143 of the 1935 Session Laws, Relating to the Bag and Possession Limits on Protected Game Birds, and Prescribing a Penalty for the Violation of the Provisions Hereof.

Was read the first time and referred to the Committee on Game and Fish.

House Bill No. 118. A Bill for an Act to Provide for Additional and Supplemental Assessments of Omitted Property for Benefits for Improvements Established, Constructed and Maintained Pursuant to Chapter 116, Laws of 1919, and to Amend Chapter 116, Laws of 1919.

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

House Bill No. 179. A Bill for an Act Making it Unlawful to Obtain or Attempt to Obtain Relief by False and Fraudulent Representation.

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

### SECOND READING OF HOUSE BILLS

House Bill No. 3. A Bill for an Act Making an Appropriation for the Purpose of Paying Clerkhire and Miscellaneous General Expenses of the North Dakota Procurement Officer, as Provided by Chapter 219, Session Laws of 1935.

Was read the second time.

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, 5.

### ROLL CALL

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Nelson, Grand Fks.
Blaisdell	Johnson	Olson
Brostuen	Kamrath	Owings
Cain	Kolpin	Skarvold
Coffey	Kroeber	Streibel
Crandall	Lavik	Stucke
Drew	Lemke	Topp
Ettestad	Lian	Trout

Messrs.	Messrs.	Messrs.
Fine	Lowe	Vinje
Fowler	Lynn	Watt
Fredrickson	Magoffin	Whelan
Gilbertson	McGillic	Williams
Greene	Morrison	Wog
Gronvold	Mutchler	Young
Guenther	Nelson, Barnes	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Strehlow	Thorson
Hulteng	Thatcher	

So the bill passed and the title was agreed to.

House Bill No. 10. A Bill for an Act Making an Appropriation for the Purpose of Paying Insurance Tax to the Various Fire Departments of the State, in Compliance With the Provisions of Sections 3993 to 3998, Inclusive, of the Compiled Laws of 1913.

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, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Olson
Blaisdell	Kamrath	Owings
Brostuen	Kolpin	Skarvold
Cain	Kroeber	Streibel
Coffey	Lavik	Stucke
Crandall	Lemke	Thorson
Drew	Lian	Topp
Ettestad	Lowe	Trout
Fowler	Lynn	Vinje
Fredrickson	Magoffin	Watt
Gilbertson	McGillic	Whelan
Greene	Morrison	Williams
Gronvold	Mutchler	Wog
Guenther	Nelson, Barnes	Young
Guthrie	Nelson, Grand Fks.	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Hulteng	Thatcher
Fine	Strehlow	

So the bill passed and the title was agreed to.

House Bill No. 11. A Bill for an Act Making an Appro-

provision for Acquiring and Maintaining State Parks as Provided for in Chapter 216, Session Laws of 1935.

Was read the second time.

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, 4.

#### ROLL CALL

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Nelson, Grand Fks.
Bilden	Johnson	Olson
Blaisdell	Kamrath	Owings
Brostuen	Kolpin	Skarvold
Cain	Kroeber	Streibel
Coffey	Lavik	Stucke
Crandall	Lemke	Thorson
Drew	Lian	Topp
Ettestad	Lowe	Trout
Fowler	Lynn	Vinje
Fredrickson	Magoffin	Watt
Gilbertson	McGillic	Whelan
Greene	Morrison	Williams
Gronvold	Mutchler	Wog
Guenther	Nelson, Barnes	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fine	Strehlow	Thatcher
Hulteng		

So the bill passed and the title was agreed to.

House Bill No. 16. A Bill for an Act to Encourage the Investment of Capital in the State of North Dakota in Connection with the Business of Securing, Saving, Storing and Refining of Petroleum and Petroleum Products, and to Fix and Determine a method for the Finding and Fixing a Limitation on Valuations Thereof for the Purposes of Taxation.

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, 46; nays, 0; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Nelson, Grand Fks.
Bilden	Johnson	Olson
Blaisdell	Kamrath	Owings
Brostuen	Kolpin	Skarvold
Cain	Kroeber	Strehlow
Coffey	Lavik	Streibel

Messrs.	Messrs.	Messrs.
Crandall	Lemke	Stucke
Drew	Lian	Thorson
Ettestad	Lowe	Topp
Fine	Lynn	Trout
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Whelan
Gilbertson	Morrison	Williams
Greene	Mutchler	Wog
Gronvold	Nelson, Barnes	Young
Guenther		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Hulteng	Thatcher	Watt

So the bill passed and the title was agreed to.

House Bill No. 40. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Penitentiary.

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, 1; absent and not voting, 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Nelson, Barnes
Bilden	Guthrie	Nelson, Grand Fks.
Blaisdell	Kamrath	Olson
Brostuen	Kolpin	Owings
Cain	Kroeber	Skarvold
Coffey	Lavik	Strehlow
Crandall	Lemke	Streibel
Drew	Lian	Stucke
Ettestad	Lowe	Thorson
Fowler	Lynn	Topp
Fredrickson	Magoffin	Trout
Gilbertson	McGillic	Vinje
Greene	Morrison	Wog
Gronvold	Mutchler	Young

Those voting in the negative were:

Messrs.  
Fine

Absent and not voting:

Messrs.	Messrs.	Messrs.
Hulteng	Thatcher	Whelan
Johnson	Watt	Williams

So the bill passed and the title was agreed to.

House Bill No. 41. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State School for the Blind at Bathgate, North Dakota.

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, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Kamrath	Owings
Blaisdell	Kolpin	Skarvold
Brostuen	Kroeber	Strehlow
Cain	Lavik	Streibel
Coffey	Lemke	Stucke
Crandall	Lian	Thorson
Drew	Lowe	Topp
Ettestad	Lynn	Trout
Fine	Magoffin	Vinje
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fowler	Johnson	Thatcher
Hulteng		

So the bill passed and the title was agreed to.

House Bill No. 42. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the Department of the Registrar of Motor Vehicles.

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, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Kamrath	Owings
Blaisdell	Kolpin	Skarvold
Brostuen	Kroeber	Strehlow
Cain	Lavik	Streibel
Coffey	Lemke	Stucke



<b>Messrs.</b>	<b>Messrs.</b>	<b>Messrs.</b>
Crandall	Lian	Thorson
Drew	Lowe	Topp
Ettestad	Lynn	Trout
Fine	Magoffin	Vinje
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	

Absent and not voting:

<b>Messrs.</b>	<b>Messrs.</b>	<b>Messrs.</b>
Fowler	Johnson	Young
Hulteng	Thatcher	

So the bill passed and the title was agreed to.

House Bill No. 43. A Bill for an Act Making an Appropriation for the General Maintenance, a New Building, Equipment and Miscellaneous Expenses of the State Hospital for the Insane at Jamestown. North Dakota.

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, 1; absent and not voting, 4.

Those voting in the affirmative were:

<b>Messrs.</b>	<b>Messrs.</b>	<b>Messrs.</b>
Aasen	Kamrath	Owings
Bilden	Kolpin	Skarvold
Blaisdell	Kroeber	Strehlow
Brostuen	Lavik	Streibel
Cain	Lemke	Stucke
Coffey	Lian	Thorson
Crandall	Lowe	Topp
Drew	Lynn	Trout
Ettestad	Magoffin	Vinje
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young
Guthrie	Olson	

Those voting in the negative were:

<b>Messrs.</b>	<b>Messrs.</b>	<b>Messrs.</b>
Fine		
Absent and not voting:		
<b>Messrs.</b>	<b>Messrs.</b>	<b>Messrs.</b>
Fowler	Johnson	Thatcher
Hulteng		

So the bill passed and the title was agreed to.

House Bill No. 142. A Bill for an Act Providing for the Establishment of Voting Precincts in All Special and Independent School Districts; Requiring Establishment of Polling Places for Each 5,000 Inhabitants; Providing for Appointment of Election Officials, Fixing Their Powers, Duties and Compensation 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, the roll was called and there were ayes, 42; nays, 1; absent and not voting, 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Gronvold	Nelson, Barnes
Bilden	Guenther	Nelson, Grand Fks.
Blaisdell	Guthrie	Olson
Brostuen	Kamrath	Owings
Cain	Kolpin	Skarvold
Coffey	Kroeber	Strehlow
Crandall	Lavik	Streibel
Drew	Lemke	Stucke
Ettestad	Lian	Thorson
Fine	Lynn	Topp
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Wog
Greene	Mutchler	Young

Those voting in the negative were:

Messrs.  
Lowe

Absent and not voting:

Messrs.	Messrs.	Messrs.
Hulteng	Thatcher	Whelan
Johnson	Trout	Williams

So the bill passed and the title was agreed to.

The Secretary announced that the president was about to sign House Bill No. 73, House Bill No. 4 and House Bill No. 18, and the President signed the same in the presence of the Senate.

### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 11, 1937.

Mr. Speaker: I have the honor to return herewith the following bills:

House Bill No. 73. A Bill for an Act to Amend and Re-

enact That Certain Initiated Law Entitled: "An Act Reducing, Equalizing and Fixing Allowances for Mileage and Travel Expense of State Officials, Elective and Appointive, Their Deputies, Assistants, Clerks and Other State Employees, and Repealing All Acts and Parts of Acts in so far as They Are in Conflict Herewith, and Taking Effect as to All Except Elective Officials on the 30th Day of July, 1932, and as to Elective Officials Upon Their Election and Qualification Hereafter," Adopted and Approved by the Electors at the June 29th, 1932, Primary Election, Reducing and Fixing Allowances for Mileage and Travel Expense of State Officials, Elective and Appointive, Their Deputies, Assistants, Clerks and Other State Employees, Providing for the Filing of an Itemized Statement Thereof, Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Also,

House Bill No. 4. A Bill for an Act Making an Appropriation for the Care of Insane Patients Whose Residence Cannot be Determined and Whose Care Must be Borne by the State.

Also,

House Bill No. 18. A Bill for an Act to Provide for the Taxation of Drilling Rigs and All Other Equipment Used in Prospecting for Oil and Gas in the State of North Dakota.

Which the President has signed.

Very respectfully,

THOMAS McDONALD,  
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. 66. A Bill for an Act to Regulate the Operation of Pharmacies, Require the Obtaining of Permit Therefor, Prescribing Certain Requirements with Respect Thereto, Providing for Rules and Regulations to Be Formulated by the North Dakota Board of Pharmacy; and Prescribing Penalties for Violation Thereof.

Also,

Senate Bill No. 154. A Bill for an Act to Provide a Method of Voting at any General or Primary Election by Electors Absent or Anticipating Being Absent on the Day of Such Election from the County in Which They are Electors, Repealing Sections 992, 993, 995 and 996 of the Compiled Laws of North Dakota 1913 as Amended by Chapter 136 of the 1931 Session Laws and by Chapter 107 of the 1933 Session Laws, and Repealing Sections 994, 997, 998, 999, 1000, 1001, 1002, 1003 and 1004 of the Compiled Laws of North Dakota

1913, and Repealing all Acts or Parts of Acts in Conflict Herewith.

And find the same correctly engrossed.

WILLIAM KROEBER,  
Chairman.

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

#### REPORT OF STANDING COMMITTEES

The Committee on Military and Indian Affairs made the following report:

Mr. President: Your Committee on Military and Indian Affairs to whom was referred:

#### HOUSE CONCURRENT RESOLUTION "M"

Have had the same under consideration and recommend that the same be indefinitely postponed.

E. F. MUTCHLER,  
Chairman.

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

The Committee on Military and Indian Affairs made the following report:

Mr. President: Your Committee on Military and Indian Affairs to whom was referred:

#### RESOLUTION "Q",

Have had the same under consideration and recommend that the same be adopted.

E. F. MUTCHLER,  
Chairman.

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

Senator Blaisdell requested the consent of the Senate to withdraw Senate Bill No. 117.

Which request was granted.

Senator Strehlow moved that the President appoint a committee of three to draw up suitable memorial resolutions for deceased members of the legislature, which motion prevailed.

Senator Fine moved that the Senate do now adjourn, which motion prevailed. The Senate stood adjourned.

#### COURTESIES OF THE FLOOR

The courtesies of the floor were extended to:

Mrs. Henry Williams, Appam; H. C. Fulton, Jamestown; Mr. and Mrs. Charles Cloid, Rose Cloid, Bismarck; Paul Hasse, Tappen; Carl Erickson, Springbrook; M. S. Stenehjem, Ivar Drovdal, Arnegard; Axel Danielson, Fairview, Montana; A. H. Swenson, Dore.

THOMAS McDONALD,  
Secretary.

## THIRTY-NINTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
February 12, 1937.

The Senate convened at 2:00 p. m., pursuant to adjournment, the President presiding.

Prayer by the Chaplain, Rev. O. O. Andvik, Mandan.

Roll call: All members present except Senators Hulteng and Wog.

Senator Gronvold moved that all absent Senators be excused, which motion prevailed.

## MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 12, 1937.

Mr. Speaker: I have the honor to return herewith the following bills:

House Bill No. 88. A Bill for an Act to Amend and Re-enact Section 5 of Chapter 195 of the Session Laws of North Dakota for the Year 1929, Relating to the Construction of All Public Buildings and Repairs and Improvements Connected With or Pertaining Thereto, Contracts Therefor, and Allowance and Payment of Estimates Thereon.

Also,

House Bill No. 128. A Bill for an Act to Amend and Re-enact Section 3846 of the Compiled Laws of North Dakota for 1913, fixing the hours during which the polls shall be open at an election upon the question of whether or not a proposed Village shall incorporate.

Also,

House Bill No. 129. A Bill for an Act to Amend and Re-enact Section 3852 of the Compiled Laws of North Dakota for 1913, Fixing the Hours During Which the Polls Shall

Be Open at Annual Village Elections: Declaring an Emergency.

Also,

House Bill No. 145. A Bill for an Act Providing for a Transfer of Certain School Lands Situated in Bottineau County, State of North Dakota, with the Buildings Thereon, to the State Historical Society to Be Used and Maintained as a Part of the State Public Park System, and Providing for an Appropriation to Reimburse the Permanent School Fund of the State.

Which the Senate has passed unchanged.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 12, 1937.

Mr. Speaker: I have the honor to return herewith the following bills:

House Bill No. 5. A Bill for an Act Making an Appropriation to Pay Expenses of Erecting Headstones Over the Graves of Soldiers, Sailors and Marines of the United States War of the Rebellion.

Also,

House Bill No. 35. A Bill for an Act to Amend and Re-enact Subdivision 5 of Section 4059, of the 1925 Supplement to the Compiled Laws of the State of North Dakota for 1913, Relating to Powers of Park Commission, and Declaring an Emergency.

Which the Senate has indefinitely postponed.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 12, 1937.

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

Senate Bill No. 96. A Bill for an Act Appropriating Six Thousand Dollars (\$6,000.00) to the State Historical Society for the Development of the International Peace Garden on the American Side in Rollette County, North Dakota.

Also,

Senate Bill No. 125. A Bill for an Act to Amend and Re-enact Section 951, Compiled Laws of North Dakota of the

Year 1913, as Amended by Chapter 136 of the Session Laws of 1927; Providing for Inspectors and Judges of Election, Their Qualifications and Duties.

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

Very respectfully,

THOMAS McDONALD,  
Secretary.

REPORT OF COMMITTEE ON REVISION AND  
CORRECTION OF THE JOURNAL

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 38th day and recommend that the same be corrected as follows:

On page 600, line 28, correct spelling of the word "than".

On page 601, line 44, strike out the figures "\$160" and insert the figures "\$166".

On page 614, line 5, strike out the words "ninety days" and insert the words "six months".

On page 614, roll call on Senate Bill 135, show Watt voting "nay" instead of "aye" and correct totals to show 20 ayes and 27 nays.

On page 626, lines 26 and 27, strike out the words "and your signature is respectfully requested."

On page 627, line 3 from bottom of page, insert the words "which motion prevailed."

And when so corrected recommend that the same be approved.

C. C. MORRISON,  
Chairman.

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

MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
February 12, 1937.

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

Senate Bill No. 3. A Bill for an Act Prohibiting the Manufacture, Owning, Operating, Storing, Possessing, Selling, Renting, Leasing, Lending, Transporting, or in any Manner Handling or Exposing for Sale or Lease, any Slot Machine,

Ball Machine, or Other Device; Defining the Duties of State's Attorneys, Peace Officers; Providing Penalties for the Violation of the Provisions of This Act; Continuing in Force Present Statutory Regulations Prohibiting or Regulating Slot Machines, and Declaring an Emergency.

Also,

Senate Bill No. 100. A Bill for an Act to Amend Section 3696a of the Supplement to the Compiled Laws of 1913, Relating to Liability of Municipalities for Injuries Caused by Accumulation of Frost, Snow, Ice or Sleet on Public Sidewalks, Crosswalks, Streets, Alleys or Other Public Ways and Exempting Municipalities from Liability for Injuries to Person or Property Occurring in Whole or in Part Upon State or National Highways Within Such Municipalities.

Which the House has indefinitely postponed.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House Chamber,  
Bismarck, North Dakota,  
February 12, 1937.

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

House Bill No. 203. A Bill for an Act to Amend and Re-enact Section 201 of the 1935 Session Laws Relating to Limiting the Hours of Employment of Municipal Employees, Fixing the Penalty for Violation Thereof, and Repealing All Acts and Parts of Acts in Conflict Therewith, and Declaring an Emergency.

Also,

House Bill No. 98. A Bill for an Act Directing the Board of Administration to Engage Competent Engineering Experts to Determine What Can Be Done to Remedy the Poor Hearing Qualities of the House Chamber and Advise on Cost Thereof; Proceed to Have Same Done if at a Cost Not in Excess of \$2,500; Making an Appropriation, and Declaring an Emergency.

Also,

House Bill No. 167. A Bill for an Act Making an Appropriation to Cover a Deficit in the Office of Securities Commission; to Provide for Expenses Necessary to Carry on an Investigation Ordered by the Legislature; Making an Appropriation and Declaring an Emergency.

Also,

HOUSE CONCURRENT RESOLUTION "K".

Also

HOUSE CONCURRENT RESOLUTION "V".



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

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### PETITIONS AND COMMUNICATIONS

The following petition was received, read from the desk, and referred to the appropriate committee.

A petition signed by 62 citizens and business men of Hillsboro urging passage of House Bill No. 209, known as the "Fair Trade Act."

#### 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. 48. A Bill for an Act to Amend and Re-enact Section 1164 of the Compiled Laws of the State of North Dakota for 1913, Pertaining to the Duties of the Clerks of Common School Districts, and Declaring an Emergency, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Also,

Senate Bill No. 69. A Bill for an Act to Amend and Re-enact Section 3585 of the Compiled Laws of 1913 Relating to the Qualifications of City Aldermen, Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Also,

Senate Bill No. 83. A Bill for an Act Providing for Relief in Certain Cases During the Emergency Declared to Exist From Foreclosure of Mortgages or Other Liens on Real Estate, and Execution Sales of Real Estate, and Cancellation of Contracts for the Sale of Real Property, Eviction of Tenants from Real Estate, and for Postponing Certain Sales and Extending the Period of Redemption from Certain Sales, and Relating to the Jurisdiction and Procedure for Such Relief, and for the Right to Possession During the Extended Period, and Limiting the Right to Emergency Actions for Deficiency Judgment, and for Extending the Expiration of Certain Periods of Redemption to Thirty Days After the Passage of this Act; Repealing All Acts Inconsistent Herewith and Declaring an Emergency.

And find the same correctly enrolled.

WM. KROEBER,  
Chairman.

Senator Kroeber 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 bills:

Senate Bill No. 110. A Bill for an Act Validating, Ratifying, Approving, and Confirming Certain Bonds and Other Instruments or Obligations Heretofore Issued, and Validating, Ratifying, Approving and Confirming Certain Proceedings Heretofore Taken, by Public Bodies in This State.

Also,

Senate Bill No. 138. A Bill for an Act to Amend and Re-enact Section 3839 of the Compiled Laws of North Dakota for the Year 1913.

Also,

Senate Bill No. 22. A Bill for an Act Amending and Re-enacting Section 2 of Chapter 222 of the Session Laws of 1931.

And find the same correctly engrossed.

WILLIAM KROEBER,  
Chairman.

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

#### REPORTS OF STANDING COMMITTEES

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 61, have had the same under consideration and recommend that the same be indefinitely postponed.

J. P. CAIN,  
Chairman.

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

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 142, have had the same under consideration and recommend that the same be amended as follows:

Section (1), line (23) after the comma following the word "sub-contractor" insert the following language: "as provided in this Act."

And when so amended, recommend that the same do pass.

J. P. CAIN,  
Chairman.

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

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 144, have had the same under consideration and recommend that the same be indefinitely postponed.

J. P. CAIN,  
Chairman.

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

The Committee on Temperance made the following report:

Mr. President: Your Committee on Temperance to whom was referred Senate Bill No. 149, have had the same under consideration and recommend that the same be indefinitely postponed.

OLE ETTESTAD,  
Chairman.

Senator Ettestad moved that the report be adopted.

Senator Nelson of Barnes moved, as a substitute motion, that Senate Bill No. 149 be placed on the calendar. Which motion lost.

The question being on the motion of Senator Ettestad, the motion prevailed and Senate Bill No. 149 was indefinitely postponed.

Senator Gilbertson moved that the vote by which Senate Bill No. 149 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 160,

Have had the same under consideration and recommend that the same be amended as follows:

Strike out everything following the words "A Bill" and insert in lieu thereof the following language: "For an Act Prohibiting Chattel Mortgages on Personal Property When the Property Designated Therein is Described Such as 'All Other Property Owned by the Mortgagor' or Language of Like Effect; Repealing All Acts or Parts of Acts in Conflict Herewith; and Declaring an Emergency.

"Be it Enacted by the Legislative Assembly of the State of North Dakota:

"Section 1. Any chattel Mortgage containing a printed or written description or designation of property, such as "all other property owned by the mortgagor" or language of like effect as a part of the printed or written form, shall be void and of no effect as to the property covered by such language.

"Sec. 2. REPEAL.) All Acts or parts of Acts in conflict herewith are hereby repealed.

"Sec. 3. EMERGENCY.) An emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval."

And when so amended recommend the same do pass.

J. P. CAIN,  
Chairman.

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

The Committee on Education made the following report:

Mr. President: Your Committee on Education to whom was referred Senate Bill No. 175,

Have had the same under consideration and recommend that the same be amended as follows:

In the title of the bill after the words "Section 1373", strike out the following language: "Session Laws of 1911 Chapter 266", and insert in lieu thereof the following language: "Of the Compiled Laws of North Dakota 1913 Relating to Teacher's Certificates, and Repealing All Acts or Parts of Acts in Conflict Herewith."

After the enactment clause insert the following language:

"Section 1 AMENDMENT. Section 1373 of the Compiled Laws of North Dakota 1913 is amended and re-enacted to read as follows":

In the first paragraph of the typewritten bill strike out the words "Section 1", and insert in lieu thereof the words "Section 1373".

At the end of the first paragraph insert the following language: "Section 2 REPEAL. All Acts or parts of Acts in Conflict herewith are hereby repealed". Strike out Section 2 of the printed bill.

And when so amended recommend the same do pass.

C. W. FINE,  
Chairman.

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

The Committee on Education made the following report:

Mr. President: Your Committee on Education to whom was referred Senate Bill No. 176,

Have had the same under consideration and recommend that the same be amended as follows:

In the title of the printed bill, insert after the words "Section 1370" and in lieu of the remainder of that title the following language: "of the Compiled Laws North Dakota 1913 as amended by Chapter 239 of the 1927 Session Laws Relating to Teacher's Examinations for Elementary Certificates, Repealing All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

After the enactment clause insert the following paragraph: "Section 1. AMENDMENT. Section 1370 of the Compiled Laws of North Dakota 1913 as amended by Chapter 239 of the 1927 Session Laws is amended and re-enacted to read as follows:"

In the following paragraph strike out the words "Section 1" and insert the following: "Section 1370." In the second paragraph following the words "Section 2" insert the word "REPEAL".

Insert the word "EMERGENCY" following "Section 3" in the last paragraph.

And when so amended recommend the same do pass.

C. W. FINE,  
Chairman.

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

The Committee on Education made the following report:

Mr. President: Your Committee on Education to whom was referred Senate Bill No. 177,

Have had the same under consideration and recommend that the same be amended as follows:

In the title, after the words "Section 1376" and in lieu of the words "Session Laws of 1911 Chapter 266" should be inserted the following words: "of the Compiled Laws of North Dakota 1913 Relating to Fees for Examination for Teacher's Certificates, and Repealing All Acts or Parts of Acts in Conflict Herewith."

After the enactment clause insert the following: "Section 1. AMENDMENT. Section 1376 of the Compiled Laws of North Dakota 1913 is amended and re-enacted to read as follows:"

In the first paragraph of the printed bill strike out "Section 1", and insert in lieu thereof "Section 1376".

In the second paragraph following the words "Section 2" should be inserted the following word in capital letters: "REPEAL".

And when so amended recommend the same do pass.

C. W. FINE,  
Chairman.

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

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 184, have had the same under consideration and recommend that the same be amended as follows:

Line (1), Section 1 after the word "actual" insert the words "cost of".

Page 2, line 22, strike out the word and figure "Section 3".

And when so amended recommend the same do pass.

J. P. CAIN,  
Chairman.

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

The Committee on Elections made the following report:

Mr. President: Your Committee on Elections to whom was referred Senate Bill No. 190, have had the same under consideration and recommend that the same be indefinitely postponed.

E. F. MUTCHLER,  
Chairman.

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

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 195, have had the same under consideration and submit the same without recommendation.

J. P. CAIN,  
Chairman.

Senator Mutchler moved that Senate Bill No. 195 be placed on the calendar, which motion prevailed.

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 202, have had the same under consideration and recommend that the same do pass.

J. P. CAIN,  
Chairman.

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

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom

was referred Senate Bill No. 206, have had the same under consideration and recommend that the same be amended as follows:

Section (1), line (1) following the word "AMENDMENT.)" strike out the words "That Section 8073, Compiled Laws of 1913" and insert in lieu thereof the following language: "That Chapter 158 of the Session Laws of 1933".

And when so amended recommend the same do pass.

J. P. CAIN,  
Chairman.

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

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 208, have had the same under consideration and recommend that the same do pass.

J. P. CAIN,  
Chairman.

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

Senator Cain moved that the Senate reconsider the vote by which the committee report on Senate Bill No. 206 was adopted, which motion prevailed.

Senator Cain then moved that the amendment to Senate Bill No. 206 be withdrawn, which motion prevailed.

Senator Cain moved that Senate Bill No. 206 be placed on the calendar, which motion prevailed.

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 215, have had the same under consideration and recommend that the same be indefinitely postponed.

J. P. CAIN,  
Chairman.

Senator Cain moved that the report be adopted.

Senator Owings moved, as a substitute motion, that further consideration of the committee report on Senate Bill No. 215 be deferred until the printed bills were available, which motion prevailed.

The Committee on Counties made the following report:

Mr. President: Your Committee on Counties to whom was referred Senate Bill No. 214, have had the same under consideration and recommend that the same do pass.

W. J. TROUT,  
Chairman.

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

The Committee on Counties made the following report:

Mr. President: Your Committee on Counties to whom was referred Senate Bill No. 219, have had the same under consideration and recommend that the same be indefinitely postponed.

W. J. TROUT,  
Chairman.

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

The Committee on Elections made the following report:

Mr. President: Your Committee on Elections to whom was referred Senate Bill No. 232, have had the same under consideration and recommend that the same do pass.

E. F. MUTCHLER,  
Chairman.

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

A minority of the Committee on Judiciary made the following report:

Mr. President: A minority of your committee on Judiciary to whom was referred Senate Bill No. 139,

Have had the same under consideration and recommend that the same be indefinitely postponed.

JAMES W. GUTHRIE,  
BEN GILBERTSON,  
E. C. STUCKE,  
C. W. FINE,  
MAX H. STREHLOW,  
OLE ETTESTAD,  
ANDREW SKARVOLD,  
O. E. BILDEN,

A majority of the committee on Judiciary made the following report:

Mr. President: A majority of your Committee on Judiciary to whom was referred Senate Bill No. 139,

Have had the same under consideration and recommend that the same be amended as follows:

In line (1) of the Title strike out the figures "396215" and insert in lieu thereof the figures "396a15".

In line (2) and (3) of the Title strike out the following language: "same being Laws 1919, Chapter 162, Section 15, with regard" and insert in lieu thereof the word "relating".

In lines (1) (2) and (3) of Section (1) strike out the fol-



lowing language: "of the Supplement of the 1913 Compiled Laws of North Dakota, same being Laws of 1919, Chapter 162, Section 15" and insert in lieu thereof the following language "Supplement to the Compiled Laws of 1913".

Line (29) page (2) of the printed bill after the word "in" insert the word "totally".

Line (32) after the word "year" strike out the period and insert a semi-colon and add the following language: "provided, however, that in any appeal taken hereunder, the Supreme or District Court may, in its discretion, require the claimant to file a bond for costs, and not to exceed the sum of \$100.00, to be approved by the court."

Line (34) after the word "court" strike out the period and insert in lieu thereof a semi-colon and add the following language: "provided, however, that the District or Supreme Court may, in its discretion on proper showing made, require a new trial on the merits of claims if any now pending in the courts".

And when so amended recommend the same do pass.

TOM WHELAN,  
HARRY C. LYNN,  
F. T. GRONVOLD,  
GEORGE V. COFFEY,  
A. W. FOWLER,  
J. P. CAIN,  
Chairman.

Senator Cain moved that the report of the majority be adopted.

Senator Stucke moved, as a substitute motion, that the minority report be adopted, which motion prevailed.

The committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred Senate Concurrent Resolution "P",

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

J. P. CAIN,  
Chairman.

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

The President called Senator Fine to the chair.

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred Senate Concurrent Resolution "Q",

Have had the same under consideration and recommend that the same be indefinitely postponed.

J. P. CAIN,  
Chairman.

Senator Cain moved that the report be adopted.

Senator Thorson moved as a substitute motion, that Senate Resolution "Q" be placed upon the calendar, which motion prevailed.

The President resumed the chair.

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 6, have had the same under consideration and recommend that the same be indefinitely postponed.

B. W. LEMKE,  
Chairman.

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

A committee from the House invited the Senate to meet with them in joint session starting at 3:30 p. m., for the purpose of holding Memorial service in honor of the birthday of Abraham Lincoln.

Senator Cain moved that the Senate accept the invitation of the House and join them in such Memorial service.

The motion prevailed.

#### REPORT OF STANDING COMMITTEES

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 20, have had the same under consideration and recommend that the same be indefinitely postponed.

J. P. CAIN,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 45, have had the same under consideration and recommend that the same be amended as follows:

In line 2 of the title in the engrossed bill, correct the spelling of the word "Repairs".

In item 2, under "SALARIES AND WAGES," correct the figures by striking out the figures "49,549.92," and insert in lieu thereof the figures "49,548.92".

In line 3 of the printed bill, strike out the figures "\$148,436.58," and insert in lieu thereof the figures "\$153,436.58."

In line 14, item 5, "Salary Adjustments, 1937-39, 3%," add after "3%" "to be applied on salaries under \$2,000.00 per annum."

In line 55, strike out the figures "3,000.00" and insert in lieu thereof the figures "4,000.00".

In line 62, strike out the figures "500.00," and insert in lieu thereof the figures "1,000.00".

Re-insert line 63, item 2, under "MISCELLANEOUS ITEMS": "2. Land Purchase..... 3,500.00"

Correct the "TOTAL" by striking out the figures "\$148,436.58" and insert in lieu thereof the figures "\$153,436.58".

And when so amended, recommend the same do pass.

B. W. LEMKE,  
Chairman.

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

#### MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
February 12, 1937.

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

House Bill No. 78. A Bill for an Act Providing for the Registration of Public Contractors, and Defining the Term Public Contractor; Providing the Requirements and Method of Obtaining a License to Engage in the Business of Public Contracting in the State of North Dakota; Classifying and Fixing the Fee for Such License; Providing the Method of Suspension, Cancellation and Reinstatement Thereof; Providing Added Requirements in Bond of Foreign Contractor; Prescribing Penalties for the Violation of This Act; and Repealing All Acts or Parts of Acts in Conflict With the Provisions Hereof, and Declaring an Emergency.

Also,

House Bill No. 52. A Bill for an Act to Validate and Legalize Proceedings Taken Under Chapter 116, Laws 1919, to Establish and Construct Flood Irrigation Projects, Issue Bonds, Warrants and Other Evidences of Indebtedness to Finance the Cost of Such Projects, Levy Assessments and Taxes for the Payment of Such Indebtedness, and Declaring Such Obligations and Obligations Issued or to Be Issued to Fund Such Indebtedness Valid and Legal, and Declaring an Emergency.

Also,

House Bill No. 31. A Bill for an Act to Amend and Re-enact Section 4950a13 of the Session Laws for the Year 1915, Relating to County Mutual Insurance Companies.

Which the Speaker has signed and your signature is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### REPORT OF STANDING COMMITTEES

The Committee on Women's and Children's Welfare made the following report:

Mr. President: Your Committee on Women's and Children's Welfare to whom was referred House Bill No. 53, have had the same under consideration and recommend that the same be indefinitely postponed.

SYVER VINJE,  
Chairman.

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

The Committee on Women's and Children's Welfare made the following report:

Mr. President: Your Committee on Women's and Children's Welfare to whom was referred House Bill No. 54, have had the same under consideration and recommend that the same do pass.

SYVER VINJE,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 77, have had the same under consideration and recommend that the same do pass.

B. W. LEMKE,  
Chairman.

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

The Committee on Insurance made the following report:

Mr. President: Your Committee on Insurance to whom was referred House Bill No. 79, have had the same under consideration and recommend that the same do pass.

GEORGE V. COFFEY,  
Chairman.

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

The Committee on Insurance made the following report:

Mr. President: Your Committee on Insurance to whom was referred House Bill No. 80, have had the same under consideration and recommend that the same do pass.

GEORGE V. COFFEY,  
Chairman.

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

The Committee on Counties made the following report:

Mr. President: Your Committee on Counties to whom was referred House Bill No. 83, have had the same under consideration and recommend that the same do pass.

W. J. TROUT,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 96, have had the same under consideration and recommend that the same do pass.

B. W. LEMKE,  
Chairman.

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

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 128, have had the same under consideration and recommend that the same do pass.

B. W. LEMKE,  
Chairman.

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

#### REPORT OF SELECT COMMITTEE

The Conference Committee on House Bill No. 17 made the following report:

Mr. President: Your Conference Committee on Mines and Minerals to whom was referred House Bill No. 17, have had the same under consideration and the Senate has agreed to

recede from the amendments as made by the Senate committee.

For the Senate:  
WM. A. THATCHER,  
C. S. AASEN,  
J. K. BROSTUEN.

For the House:  
C. T. OLSON,  
OSCAR W. HAGEN,  
L. L. TWICHELL.

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

Senator Coffey requested that the Senate return to the Fifth Order of Business.

Which motion prevailed.

#### REPORT OF STANDING COMMITTEES

The Committee on Insurance made the following report:

Mr. President: Your Committee on Insurance to whom was re-referred Senate Bill No. 62, have had the same under consideration and recommend that the same do pass.

And that the same be referred to the Committee on Appropriations.

GEORGE V. COFFEY,  
Chairman.

Senator Coffey moved that the report be adopted, which motion prevailed and the report was adopted, and Senate Bill No. 62 was referred to the Committee on Appropriations.

Senator Johnson moved that the Senate do now recess for the purpose of going into Joint session, which motion prevailed.

The Senate reconvened pursuant to recess taken.

Senator Fowler moved that the Senate do now recess until one o'clock tomorrow, which motion prevailed. The Senate stood recessed.

#### COURTESIES OF THE FLOOR

The courtesies of the floor were extended to:

Larry Morrison, Steele; L. A. Marrow, O. Bjella, O. Fossum, all of Epping; Phil O. Sherping, Fargo; Mrs. K. M. Jorgenson, Mariellen Ingberg, Ray; Eva Plummer, Marion Tunnell, May Engel, Grace House, all of Grand Forks; C. W. Burgers, Gordon Hacanson, Otto Haug, all of Bismarck; F. B. Heath and son, Mandan.

THOMAS McDONALD,  
Secretary.

THIRTY-NINTH DAY AFTER RECESS  
AND FORTIETH DAY

Senate Chamber,  
Bismarck, North Dakota,  
February 13, 1937.

The Senate convened at 1:00 P. M., pursuant to recess taken, President Thoresen presiding.

A communication signed by Jack Williams, Department Adjutant of the American Legion of North Dakota, was read from the desk.

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

To the Members of the North Dakota Senate:

The American Legion of North Dakota wishes to express its sincere appreciation to you for the splendid manner in which you have supported its legislative program. The Veterans Service Commissioner bill, Senate Bill No. 38, as sponsored by our organization, was approved by this body by a vote of 47 to 1, and in the House by a vote of 103 to 1. You have expressed confidence in the American Legion and we are grateful for it.

You now have before you for action that bill which has been vetoed by the Governor. While we feel certain that this Senate would pass this bill over the Governor's veto, we also feel a deep sense of gratitude to the membership of this body for the remarkably fine way in which they have supported our legislation for the past ten years. We feel that we cannot now, therefore, place the members of this Senate in a position to incur the political displeasure of the Governor by overriding his veto.

The first obligation of the American Legion is the care of the disabled man. Our organization has pioneered in the field of rehabilitation. The workers of the American Legion in each of our 170 Legion posts and 160 Auxiliary units are thoroughly familiar with this work, so many of them have grown right along with it through the years from 1919 on. After the war was over and the men were returning home, the American Legion established a Service Officer in the American Legion office at Fargo. His work was so well

thought of, that later this man, William T. Kroll, was appointed Veterans Welfare Officer in the state of Minnesota by the late Governor Floyd Olson.

The American Legion pledges that the work of the Veterans Service Commissioner shall go on. The office, must, necessarily, be located at Fargo as the Veterans Hospital and Veterans Administration are there. It must be filled by someone thoroughly familiar with veterans laws and veterans administration regulations, so that the individual ex-service man, located in every town and hamlet in North Dakota, may appeal to him and secure his assistance and the benefit of his knowledge in obtaining his rights under the federal laws which have been passed to take care of him. We have that man in T. O. Kraabel, the present Veterans Service Commissioner, well known and beloved by all who have had occasion to deal with him. The American Legion is determined that the work of the Veterans Service Commissioner shall be carried on; that the unselfish service given by our organization to all veterans of all wars shall be continued and that there shall be no taint of politics in connection with the office. **TO THAT END THE AMERICAN LEGION WILL RAISE THE MONEY NEEDED TO CARRY ON THE WORK OF VETERANS SERVICE COMMISSIONER FOR THE NEXT TWO YEARS BY POPULAR SUBSCRIPTION AMONG THE CITIZENS OF NORTH DAKOTA.**

Respectfully yours,

JACK WILLIAMS,  
Department Adjutant,  
The American Legion of North Dakota.

Senator Whelan requested permission to withdraw his motion of previous date relative to over-riding the Governor's veto of Senate Bill No. 38, which request was granted.

Senator Brostuen moved that House Bill No. 71 be withdrawn from the Committee on Taxes and Tax Laws and referred to the Committee on Banks and Banking. Which motion prevailed.

Senator Lowe requested unanimous consent to defer further consideration of Senate Bill No. 170 until Tuesday, Feb. 16th, 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. 87. A Bill for an Act Providing for the Application to Highway Purposes of All Special Taxes on Motor Vehicle Transportation and Declaring an Emergency.

Also,

Senate Bill No. 93. A Bill for an Act to Amend and Re-



enact Section Four (4) of Chapter 104 of the Laws of North Dakota for the Year 1933, Relating to the Granting and Revocation of Licenses to Practice Dentistry, Setting Forth the Grounds for the Revocation Thereof and Defining Unprofessional Conduct.

And find the same correctly enrolled.

WILLIAM KROEBER,  
Chairman.

Senator Kroeber 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. 87. A Bill for an Act Providing for the Application to Highway Purposes of All Special Taxes on Motor Vehicle Transportation and Declaring an Emergency.

Also,

Senate Bill No. 93. A Bill for an Act to Amend and Re-enact Section Four (4) of Chapter 104 of the Laws of North Dakota for the Year 1933, Relating to the Granting and Revocation of Licenses to Practice Dentistry, Setting Forth the Grounds for the Revocation Thereof and Defining Unprofessional Conduct.

And the President signed the same in the presence of the Senate.

Pursuant to previous motion by Senator Strehlow that the President appoint a committee to prepare suitable memorial resolutions for deceased members of the legislature, the President appointed the following committee: Senators Strehlow, Cain and Fine.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 13, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bills:

Senate Bill No. 87. A Bill for an Act Providing for the Application to Highway Purposes of All Special Taxes on Motor Vehicle Transportation and Declaring an Emergency.

Also,

Senate Bill No. 93. A Bill for an Act to Amend and Re-enact Section Four (4) of Chapter 104 of the Laws of North Dakota for the Year 1933, Relating to the Granting and Revocation of Licenses to Practice Dentistry, Setting Forth the Grounds for the Revocation Thereof and Defining Unprofessional Conduct.

Which the President has signed and your signature is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
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. 206. A Bill for an Act to Amend and Re-enact Chapter 158, Session Laws of 1933, Relating to Foreclosure of Mortgages by Advertisement.

Also,

Senate Bill No. 184. A Bill for an Act to Amend and Re-enact Section 3 and 7 of Chapter 3, Session Laws of 1933, Relating to Unfair Discrimination in the Purchase Price of Certain Farm Products.

Also,

Senate Bill No. 175. A Bill for an Act to Amend and Re-enact Section 1373, Session Laws of 1911, Chapter 266.

Also,

Senate Bill No. 181. A Bill for an Act to Amend and Re-enact Section 4 of Chapter 193 of the 1933 Session Laws Relating to the Appointment of a Manager and Other Employees of the State Mill and Elevator.

Also,

SENATE CONCURRENT RESOLUTION "O".

Also,

Senate Bill No. 142. A Bill for an Act to Amend and Re-enact Chapter 81 of the Session Laws for the Year 1933, Relating to Bonds from Contractors on Public Improvements; Repealing Section 6835 of the Compiled Laws for the Year 1913, and All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

And find the same correctly engrossed.

WILLIAM KROEBER,  
Chairman.

Senator Kroeber moved that the report be adopted, which motion prevailed, and the report was adopted.

REPORTS OF STANDING COMMITTEES

The Committee on State Affairs made the following report:

Mr. President: Your Committee on State Affairs to whom was referred Senate Bill No. 111,

Have had the same under consideration and recommend that the same be amended as follows:

In, Section 12, page 14, lines 16 and 17, strike out the following words: "the approval by the electors, tax payers, or voters of any municipality and".

Strike out all of Section 4 and insert in lieu thereof the following:

"Section 4. PROCEDURE FOR AUTHORIZATION OF UNDERTAKING AND REVENUE BONDS. The acquisition, construction, reconstruction, improvement, betterment or extension of any undertaking and the issuance in anticipation of the collection of the revenues of such undertaking of bonds, not exceeding the amount authorized by the electors as hereinafter provided, to provide funds to pay the cost thereof may be authorized under this act by ordinance or resolution of the governing body which may be adopted at a regular meeting by a vote of a majority of the members elected to the governing body. Unless otherwise provided therein, such ordinance or resolution shall take effect immediately and need not be laid over or published or posted. The governing body, in determining such cost, may include all costs and estimated costs of the issuance of said bonds, all engineering, inspection, fiscal and legal expenses, and interest which it is estimated will accrue during the construction period and for six months thereafter on money borrowed or which it is estimated will be borrowed pursuant to this Act. Provided, however, that no bonds shall be issued by any municipality under this Act unless the question of issuing bonds has been submitted to the qualified electors of such municipality, and has been approved by a majority of the qualified electors of such municipality voting on such question. The question shall be submitted to the electors on a ballot separate from all other ballots and shall be substantially the following form:

"Shall the .....(here insert name of municipality)..... issue revenue bonds in the amount of not to exceed \$..... (here insert maximum amount).....for the purpose of .....(here insert purpose of issue)."

YES

NO

"Such question may be submitted to the qualified electors at an annual election or special election called, held and conducted upon the notice and in the manner specified by law for the election of the governing body of the municipality."

And when so amended recommend the same do pass.

G. F. DREW,  
Chairman.

Senator Strehlow moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on State Affairs made the following report:

Mr. President: Your Committee on State Affairs to whom was referred Senate Bill No. 112, have had the same under consideration and recommend that the same do pass.

G. F. DREW,  
Chairman.

Senator Strehlow moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Education made the following report:

Mr. President: Your Committee on Education to whom was referred Senate Bill No. 158, have had the same under consideration and recommend that the same be amended as follows:

Strike out Section 5 of the printed bill.

In Section 6 of the printed bill, strike out the number "6" after Section, and insert in lieu thereof the number "5".

And when so amended recommend the same do pass.

C. W. FINE,  
Chairman.

Senator Skarvold moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Education made the following report:

Mr. President: Your Committee on Education to whom was referred Senate Bill No. 167, have had the same under consideration and recommend that the same do pass.

C. W. FINE,  
Chairman.

Senator Crandall moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on State Affairs made the following report:

Mr. President: Your Committee on State Affairs to whom was referred Senate Bill No. 163, have had the same under consideration and recommend that the same be amended as follows:

In Section 1, line 2, of the original bill, after the word "repeal" insert the following words: "or amendment".

And when so amended recommend the same do pass.

G. F. DREW,  
Chairman.

Senator Lynn moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on State Affairs made the following report:

Mr. President: Your Committee on State Affairs to whom

was referred Senate Bill No. 168, have had the same under consideration and recommend that the same do pass.

G. F. DREW,  
Chairman.

Senator Lynn moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on State Affairs made the following report:

Mr. President: Your Committee on State Affairs to whom was referred Senate Bill No. 196, have had the same under consideration and recommend that the same do pass.

G. F. DREW,  
Chairman.

Senator Lynn moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Education made the following report:

Mr. President: Your Committee on Education to whom was referred Senate Bill No. 216, have had the same under consideration and recommend that the same do pass.

C. W. FINE,  
Chairman.

Senator Vinje moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 225, have had the same under consideration and recommend that the same be indefinitely postponed.

J. P. CAIN,  
Chairman.

Senator Cain moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 230, have had the same under consideration and recommend that the same be indefinitely postponed.

J. P. CAIN,  
Chairman.

Senator Cain moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Education made the following report:

Mr. President: Your Committee on Education to whom was referred Senate Bill No. 231, have had the same under

consideration and report the bill back without recommendations.

C. W. FINE,  
Chairman.

Senator Mutchler moved that Senate Bill No. 231 be placed on the calendar, which motion prevailed.

The Committee on Education made the following report:

Mr. President: Your Committee on Education to whom was referred Senate Concurrent Resolution R, have had the same under consideration and recommend that the same be indefinitely postponed.

C. W. FINE,  
Chairman.

Senator Trout moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 43, have had the same under consideration and recommend that the same be indefinitely postponed.

B. W. LEMKE,  
Chairman.

Senator Lemke moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Public Health made the following report:

Mr. President: Your Committee on Public Health to whom was referred Senate Bill No. 103, have had the same under consideration and recommend that the same be amended as follows:

In Section 1, line 40, of the printed bill strike out the words "or gift" and the "comma."

In Section 1, line 50, of the printed bill after the word "opium" strike out the "comma" and insert in lieu thereof a "period". Strike out the remainder of lines 50 and 51 after the "period".

In Section 1, line 52, of the printed bill after the word "opium" insert a period" and strike out the word "and". Strike out all of lines 53 and 54.

In Section 5, line 22, page 6, of the printed bill after the word "craft" insert a "comma" and the words "only in cases of grave emergency and".

In Section 6, line 4, page 7, of the printed bill, after the word "veterinarian" insert a "comma" and add the fol-

lowing words: "provided it is properly executed" and a "comma" following the word "executed".

In Section 7, line 4, page 9, of the printed bill, after the "comma" following the word "prescribe" add the following language: "on a written prescription".

In Section 7, line 6, page 9, of the printed bill, after the "period" following the word "supervision" insert the following: "Such a prescription shall be dated and signed by the person prescribing on the day when issued, and shall bear the full name and address for whom the narcotic drug is prescribed, and the full name, address and registry number under the Federal Narcotic Laws of the person prescribing, provided he is required by those laws to be so registered."

In Section 7, line 9, page 9, of the printed bill, after the "comma" following the word "prescribe" insert the following: "on a written prescription."

In Section 7, line 11a, page 9, of the printed bill, after the word "vision" insert the following: "Such a prescription shall be dated and signed by the person prescribing on the day when issued and shall bear the full name and address of the owner of the animal, and the species of the animal, for which the narcotic drug is prescribed, and the full name, address and registry number, under the Federal Narcotic Laws of the person prescribing, provided he is required by those laws to be so registered."

In Section 7, line 17, page 9, of the printed bill, after the "period" following the word "patient" insert the following: "Said unused portions of such drugs to be destroyed upon return."

In Section 8, line 11, page 10, of the printed bill, after the word "salts" strike out the "comma" and insert in lieu thereof a "period", and strike out the balance of line 11 and all of line 12.

In Section 8, line 24, page 10, of the printed bill, after the word "sell" insert a "comma" and add the words "at retail."

In Section 8, line 33, page 10, of the printed bill, after the word "salts" strike out the "comma" and insert in lieu thereof a "period" and strike out the remaining words: "or more than two."

In Section 8, page 11, of the printed bill, strike out all of lines 34, 35, 36, 37 and 38.

In Section 9, line 54, page 14, of the printed bill, after the word "sold" strike out the "comma" and insert the word "or", and strike out the word "administered", and the words "or otherwise disposed of".

In Section 9, line 55, page 14, of the printed bill, after the "comma" following the word "selling" strike out the word

“administering”, and in line 58 of the same section strike out the word “administered”.

In Section 10, line 14, page 15, of the printed bill, strike out the word “own”.

In Section 10, line 23, page 15, of the printed bill, strike out the “period” and insert the following: “so long as any of the original contents remain.”

And when so amended recommend the same do pass.

E. C. STUCKE,  
Chairman.

Senator Stucke moved that the report be adopted, which motion prevailed and the report was adopted.

#### MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
February 13, 1937.

Mr. President: I have the honor to transmit herewith the following bills:

House Bill No. 177. A Bill for an Act Authorizing the Secretary of Agriculture and Labor to Issue an Official Brand Book Showing All the Livestock Brands Now of Record in His Office, Making the Same Receivable in Evidence as Proof of Brands and the Ownership Thereof, and Making an Appropriation Therefor, and Declaring an Emergency.

Also,

House Bill No. 59. A Bill for an Act Providing for the Adjustment and Payments of Delinquent Taxes, and Declaring an Emergency.

Also,

House Bill No. 170. A Bill for an Act to Provide That the School Census in All Types of School Districts Shall Be Conducted in Odd Numbered Years Only.

Also,

House Bill No. 180. A Bill for an Act to Amend and Re-enact Section 10 of Chapter 97 of the Session Laws of 1933, Providing Duty of Relative to Aid and Right of Recovery by County or County Welfare Board.

Also,

House Bill No. 165. A Bill for an Act to Amend and Re-enact Section 3802 Compiled Laws of North Dakota for the Year 1913, Relating to Salaries Under the Commission Form of Government.

Also,

House Bill No. 124. A Bill for an Act Relating to the Jurisdiction and Powers of the Board of Railroad Commissioners of



the State of North Dakota, Relating to Hearings and Investigations in Connection With Public Utilities; and Relating to the Payment of Expenses of Hearings, and Investigations, and Valuations, and/or Revaluations, and of Methods of Assessing and Collecting the Same, Re-creating and Continuing "Public Utility Fund," a Revolving Fund, and Declaring an Emergency, and Repealing All Acts or Parts of Acts in Conflict Herewith, Except the Provisions of Acts Relating to "Public Utility Fund."

Also,

HOUSE CONCURRENT RESOLUTION "U."

Also,

HOUSE CONCURRENT RESOLUTION "Y."

Which the House has passed and your favorable consideration is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 13, 1937.

Mr. President: I have the honor to return herewith the following resolution:

SENATE CONCURRENT RESOLUTION "G."

Which the House has indefinitely postponed.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### REPORTS OF STANDING COMMITTEES

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 164, have had the same under consideration and recommend that the same be indefinitely postponed.

B. W. LEMKE,  
Chairman.

Senator Lemke moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 165, have have the same

under consideration and recommend that the same be indefinitely postponed.

B. W. LEMKE,  
Chairman.

Senator Lemke moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 171, have had the same under consideration and recommend that the same be indefinitely postponed.

B. W. LEMKE,  
Chairman.

Senator Lemke moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 172, have had the same under consideration and recommend that the same be indefinitely postponed.

B. W. LEMKE,  
Chairman.

Senator Lemke moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Fine moved that the vote by which Senate Bill No. 135 was indefinitely postponed be reconsidered, which motion prevailed.

Senator Fredrickson moved that Senate Bill No. 135 be placed on the calendar. Which motion prevailed.

Senator Nelson of Barnes moved that Senate Bill No. 118 be re-referred to the Appropriations Committee for further amendment, which motion prevailed.

Senator Brostuen moved that the Senate do now adjourn, which motion prevailed. The Senate stood adjourned.

THOMAS McDONALD,  
Secretary.

FORTIETH DAY

Senate Chamber,  
Bismarck, North Dakota,  
February 13, 1937.

The Senate convened at 2:00 p. m., pursuant to adjournment, the President presiding.

Prayer by the Chaplain, Rev. O. O. Andvik, Mandan.

Roll Call: All members present except Senators Blaisdell, Hulteng, Wog and Young.

Senator Nelson of Grand Forks moved that all absent Senators 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 39th day and recommend that the same be corrected as follows:

On page 640, line 9, strike out the figure (1) and insert the figure (11).

On page 641, line 24, correct spelling of the word "prevailed".

And when so corrected recommend that the same be approved.

C. C. MORRISON,  
Chairman.

Senator Owings moved that the report be adopted, which motion prevailed and the report was adopted.

#### PETITIONS AND COMMUNICATIONS

The following petitions and communications were received, read from the desk, and referred to the appropriate committees:

An individual communication from Grafton urging passage of chain store tax bill.

A communication signed by 26 residents of Hankinson asking legislation to comply with federal requirements so they might be assured of continued federal aid allotments.

A communication signed by 29 citizens of Mott requesting that no penalty, license or tax of any kind be imposed upon chain stores.

A petition signed by 74 residents and voters of Steele county requesting passage of law providing for county option.

A letter from Edna Peterson of Bremerton, Wash., daughter of former Senator Harry Peterson, acknowledging receipt of copy of Joint Memorial Resolution "A" and thanking the Senate for their beautiful tribute to the memory of her father.

#### MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 13, 1937.

Mr. Speaker: I have the honor to return herewith the following bill:

House Bill No. 16. A Bill for an Act to Encourage the In-

vestment of Capital in the State of North Dakota in Connection with the Business of Securing, Saving, Storing and Refining of Petroleum and Petroleum Products, and to Fix and Determine a method for the Finding and Fixing a Limitation on Valuations Thereof for the Purposes of Taxation.

Which the Senate has amended.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 13, 1937.

Mr. Speaker: I have the honor to return herewith the following bill:

House Bill No. 40. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Penitentiary.

Which the Senate has amended.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 13, 1937.

Mr. Speaker: I have the honor to return herewith the following resolution:

HOUSE CONCURRENT RESOLUTION "M."

Which the Senate has indefinitely postponed.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 13, 1937.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the report of the Conference Committee on House Bill No. 17.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 13, 1937.

Mr. Speaker: I have the honor to return herewith the following bills:

House Bill No. 3. A Bill for an Act Making an Appropriation for the Purpose of Paying Clerkhire and Miscellaneous General Expenses of the North Dakota Procurement Officer, as Provided by Chapter 219, Session Laws of 1935.

Also,

House Bill No. 10. A Bill for an Act Making an Appropriation for the Purpose of Paying Insurance Tax to the Various Fire Departments of the State, in Compliance With the Provisions of Sections 3993 to 3998, Inclusive, of the Compiled Laws of 1913.

Also,

House Bill No. 11. A Bill for an Act Making an Appropriation for Acquiring and Maintaining State Parks as Provided for in Chapter 216, Session Laws of 1935.

Also,

House Bill No. 41. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State School for the Blind at Bathgate, North Dakota.

Which the Senate has passed unchanged.

Very respectfully,  
THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 13, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bills:

Senate Bill No. 133. A Bill for an Act to Amend and Re-enact That Portion of Section 2166 of the Supplement to the Compiled Laws of 1913 as was Amended and Re-enacted by Sub-Section (b) of Section 1 of Chapter 279 of the 1931 Session Laws Relating to the Collection of Personal Property Taxes; Providing for Publication of Personal Property Tax List in Newspapers Nearest the Taxing District. Repeal.

Also,

Senate Bill No. 138. A Bill for an Act to Amend and Re-enact Section 3839 of the Compiled Laws of North Dakota for the Year 1913.

Also,

Senate Bill No. 154. A Bill for an Act to Provide a Method of Voting at any General or Primary Election by Electors Absent or Anticipating Being Absent on the Day of Such Election from the County in Which They are Electors, Repealing Sections 992, 993, 995 and 996 of the Compiled Laws of North Dakota 1913 as Amended by Chapter 136 of the 1931 Session Laws and by Chapter 107 of the 1933 Session Laws, and Repealing Sections 994, 997, 998, 999, 1000, 1001,

1002, 1003 and 1004 of the Compiled Laws of North Dakota 1913, and Repealing all Acts or Parts of Acts in Conflict Herewith.

Which the Senate has passed and your favorable consideration is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
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. 176. A Bill for an Act to Amend and Re-enact Section 1370, Session Laws of 1911, Chapter 266, as Amended by Chapter 239, Session Laws of 1927.

Also,

Senate Bill No. 177. A Bill for an Act to Amend and Re-enact Section 1376, Session Laws of 1911, Chapter 266.

Also,

Senate Bill No. 160. A Bill for an Act Prohibiting Chattel Mortgages on Personal Property When Such Mortgage Fails to Specifically Describe the Property Mortgaged or When the Same is Designated by Group; Repealing All Acts or Parts of Acts in Conflict Herewith; and Declaring an Emergency.

And find the same correctly engrossed.

WILLIAM KROEBER,  
Chairman.

Senator Kroeber moved that the report be adopted, which motion prevailed, and the report was adopted.

REPORT OF STANDING COMMITTEES

The Committee on Temperance made the following report:

Mr. President: Your Committee on Temperance to whom was referred Senate Bill No. 157, have had the same under consideration and recommend that the same be amended as follows:

In line 3 of the title of the printed bill strike out the language "Alcohol and Alcoholic Beverages", and insert in lieu thereof the language "Intoxicating Liquors". In line 3 of the title strike out the word "Now". In line 4 strike out the word "Law", and insert in lieu thereof the language "the 1936 Liquor Control Act".

In lines 5 and 6 strike out the language "Alcohol and Alcoholic Beverages", and insert in lieu thereof the language "such Intoxicating Liquors".

In line 1 of the printed bill, strike out the "comma" following the second word "company" and insert in lieu thereof the word "or".

In lines 2 and 3 strike out the following "water transportation company, or other common carrier." In lines 5 and 6 strike out "the laws of this State" and insert in lieu thereof "the 1936 Liquor Control Act." In line 6 strike out the word "vessel" and the "comma" following the word "vessel."

In lines 11 and 12 of page 2 of the printed bill strike out the following language "alcohol and alcoholic beverages" and insert in lieu thereof the words "intoxicating liquors".

On page 2, line 15, strike out the language "alcohol and alcoholic beverages" and insert in lieu thereof the words "intoxicating liquors."

In line 16 strike out the language "the laws of this State" and insert in lieu thereof the language "the 1936 Liquor Control Act."

Strike out the word "from" in line 27, and strike out all of lines 28, 29, 30, 31 and 32, and insert in lieu thereof the following language: "realized from the sale of stamps on intoxicating liquors, sold under the provisions of this Act, shall be converted into the General Fund of the State as a part thereof."

And when so amended recommend the same do pass.

OLE ETTESTAD,  
Chairman.

Senator Ettetstad moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Public Health made the following report:

Mr. President: Your Committee on Public Health to whom was referred Senate Bill No. 152, have had the same under consideration and recommend that the same do pass.

E. C. STUCKE,  
Chairman.

Senator Stucke moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Ways and Means made the following report:

Mr. President: Your Committee on Ways and Means to whom was referred Senate Bill No. 205, have had the same under consideration and recommend that the same do pass.

ED. GREENE,  
Chairman.

Senator Greene moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Ways and Means made the following report:

Mr. President: Your Committee on Ways and Means to whom was referred Senate Bill No. 211, have had the same under consideration and recommend that the same be indefinitely postponed.

ED. GREENE,  
Chairman.

Senator Greene moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Ways and Means made the following report:

Mr. President: Your Committee on Ways and Means to whom was referred Senate Bill No. 218, have had the same under consideration and recommend that the same be amended as follows:

In page 2, line 9, section 2 of the printed bill, after the word "presented" add the following language: "For the purpose of facilitating the work of the County and State Auditors, no claim for less than ten heads need be considered".

In page 2, section 3, line 4 of the printed bill after the words "presenting the" strike out the words "head or".

In page 2, section 4, line 13 of the printed bill after the word "number" strike out the words "and kind."

In page 2, section 5, line 1 of the printed bill after the "DUTY OF COUNTY AUDITOR." add the following language: "It shall be the duty of the County Auditor to destroy or cause to be destroyed all heads presented to him, as soon as proper certificates therefor have been issued, by mutilating the same by the removal of not less than  $\frac{1}{2}$  inch of the outer end of the lower half of the bill or beak."

In page 3, section 5, line 3 of the printed bill after the word "presenting" strike out the words "a head or".

In page 3, section 5, line 4 of the printed bill strike out the word "Article", and insert in lieu thereof the word "Act".

In page 3, section 6, line 5 of the printed bill strike out the words "Article provides", and insert in lieu thereof the word "Act".

In page 3, section 6, line 4 of the printed bill, strike out the words "as in," and insert in lieu thereof the word "for".

And when so amended recommend the same do pass.

ED GREENE,  
Chairman.

Senator Greene moved that the report be adopted, which motion prevailed and the report was adopted.



The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 228, have had the same under consideration and recommend that the same be indefinitely postponed.

B. W. LEMKE,  
Chairman.

Senator Lemke moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Counties made the following report:

Mr. President: Your Committee on Counties to whom was referred House Bill No. 84, have had the same under consideration and recommend that the same be amended as follows:

In line 3 of the title of the engrossed bill, following the word "Seed" strike out the word "and" and insert in lieu thereof a "comma". Following the word "Feed" insert the following language "and Tractor Fuel".

In Section 6, line 1, strike out the word "and" and insert in lieu thereof a "comma". In line 2 following the word "feed" insert the following language "and tractor fuel". In line 5 strike out the word "and" and insert in lieu thereof a "comma", and following the word "grain" insert the following language "and tractor fuel".

In lines 14 and 17 strike out the word "or" and insert in lieu thereof a "comma", and following the word "feed" insert the following language "and tractor fuel".

In line 21 strike out the language "and/or" and insert in lieu thereof a "comma". In line 22 following the word "grains" insert the following language "and/or tractor fuel".

In Section 2. EMERGENCY. Line 3, correct the spelling of the word "approval."

And when so amended recommend the same do pass.

W. J. TROUT,  
Chairman.

Senator Trout moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Temperance made the following report:

Mr. President: Your Committee on Temperance to whom was referred House Bill No. 146, have had the same under consideration and recommend that the same be indefinitely postponed.

OLE ETTESTAD,  
Chairman.

Senator Ettestad moved that the report be adopted.

Senator Watt moved as a substitute motion that House Bill No. 146 be placed on the calendar.

Which motion lost.

The question being on the motion of Senator Ettestad, the motion prevailed and House Bill No. 146 was indefinitely postponed.

A minority of the Committee on Counties made the following report:

Mr. President: A minority of your Committee on Counties to whom was referred House Bill No. 58, have had the same under consideration and recommend that the same be indefinitely postponed.

HARRY C. LYNN,  
E. MAGOFFIN.  
W. J. TROUT,  
Chairman.

A majority of the Committee on Counties made the following report:

Mr. President: A majority of your Committee on Counties to whom was referred House Bill No. 58, have had the same under consideration and recommend that the same be amended as follows:

In Section 3352, Line 15, of the Printed Bill, strike out the word "four" and insert in lieu thereof the word "five".

W. J. TROUT,  
ED LIAN,  
WILLIAM KAMRATH.

And when so amended recommend the same do pass.

W. J. TROUT,  
Chairman.

Senator Trout moved that the report of the majority be adopted.

Senator Lynn moved, as a substitute motion, that the report of the minority be adopted, which motion was lost.

The question being on the motion of Senator Trout, the motion prevailed.

Senator Thatcher moved that consideration of the committee report on Senate Bill No. 215 be deferred until Monday, which motion prevailed.

Senator Vinje asked unanimous consent to withdraw Senate Bill No. 193 which request was granted.

Senator Coffey said he had been informed by the Attorney General that it would be practically impossible for him to make a full and complete report in regard to "Apparent Irregularities in the Hail Department," as directed by Senate Resolution "L."

Senator Coffey moved that the time for filing such report be extended to February 28th, which motion prevailed.

Senator Johnson moved that the committee on public printing be authorized to submit a sample copy of a bill to the printing company to be printed in accordance with a bill to be introduced in the Senate, which motion prevailed.

Senator Guthrie moved that the chair appoint a committee to act with a like committee from the House to arrange for a Joint Memorial Service to be held on Washington's Birthday, which motion prevailed.

The President appointed the following committee: Senators Guthrie, Lavik and Whelan.

Senator Gronvold moved that further consideration of Senate Bill No. 180 be deferred one legislative day, which motion prevailed.

Senator Whelan moved that further consideration of House Bill No. 72 and Senate Concurrent Resolution "H" be deferred one legislative day, which motion prevailed.

Senator McGillic moved that Senate Bill No. 26 be referred to the Committee on Appropriations, which motion prevailed.

Senator Cain moved that further consideration of Senate Bill No. 148 be deferred one legislative day, which motion prevailed.

#### FIRST READING OF SENATE BILLS

Senators Blaisdell, Lowe, Nelson of Grand Forks, McGillic and Fowler introduced:

Senate Bill No. 242. A Bill for an Act Making an Appropriation for the Payment of Expenses to Be Incurred by Boys' and Girls' Club Work at State and District Fairs.

Was read the first time and referred to the Committee on Appropriations.

Senators Fine, Skarvold, Nelson of Barnes and Williams introduced:

Senate Bill No. 243. A Bill for an Act Making an Emergency Appropriation for High School Correspondence Courses; and Declaring an Emergency.

Was read the first time and referred to the Committee on Appropriations.

Senator Johnson introduced:

Senate Bill No. 244. A Bill for an Act Making an Appropriation to the State Historical Society for the Purchase of Land and/or Materials to Be Used in the Reconstruction of Fort Abercrombie; and Declaring an Emergency.

Was read the first time and referred to the Committee on Appropriations.

## MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
February 13, 1937.

Mr. President: I have the honor to return herewith the following bills:

Senate Bill No. 87. A Bill for an Act Providing for the Application to Highway Purposes of All Special Taxes on Motor Vehicle Transportation and Declaring an Emergency.

Also,

Senate Bill No. 93. A Bill for an Act to Amend and Re-enact Section Four (4) of Chapter 104 of the Laws of North Dakota for the Year 1933, Relating to the Granting and Revocation of Licenses to Practice Dentistry, Setting Forth the Grounds for the Revocation Thereof and Defining Unprofessional Conduct.

Which the Speaker has signed.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 13, 1937.

Mr. President: I have the honor to transmit herewith the following bills:

House Bill No. 145. A Bill for an Act Providing for a Transfer of Certain School Lands Situated in Bottineau County, State of North Dakota, with the Buildings Thereon, to the State Historical Society to Be Used and Maintained as a part of the State Public Park System, and Providing for an Appropriation to Reimburse the Permanent School Fund of the State.

Also,

House Bill No. 88. A Bill for an Act to Amend and Re-enact Section 5 of Chapter 195 of the Session Laws of North Dakota for the Year 1929, Relating to the Construction of All Public Buildings and Repairs and Improvements Connected With or Pertaining Thereto, Contracts Therefor, and Allowance and Payment of Estimates Thereon.

Also:

House Bill No. 129. A Bill for an Act to Amend and Re-enact Section 3852 of the Compiled Laws of North Dakota for 1913, Fixing the Hours During Which the Polls Shall Be Open at Annual Village Elections: Declaring an Emergency.

Also,

House Bill No. 128. A Bill for an Act to Amend and Re-

enact Section 3846 of the Compiled Laws of North Dakota for 1913, fixing the hours during which the polls shall be open at an election upon the question of whether or not a proposed Village shall incorporate.

Which the Speaker has signed and your signature is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 66. A Bill for an Act to Regulate the Operation of Pharmacies, Require the Obtaining of Permit Therefor, Prescribing Certain Requirements with Respect Thereto, Providing for Rules and Regulations to Be Formulated by the North Dakota Board of Pharmacy; and Prescribing Penalties for Violation Thereof.

Was read the second time.

Senator Strehlow moved that Senate Bill No. 66 be amended as follows:

In section 2. (b) on page 2, line 6, insert the words "that the" immediately after (b) and before the word "equipment".

In Section 2. (e) on page 2, line 15, change the final period after "Pharmacy" to a comma and add "a permit or renewal thereof shall be issued to such persons, co-partnerships, associations, or corporations as the said North Dakota Board of Pharmacy shall deem qualified to conduct such Pharmacy."

Which motion prevailed.

Senator Fowler moved that Senate Bill No. 66 be amended as follows:

In line 1 of Section 1, strike out the word "From" and insert the following: "On and after sixty days from."

Which motion prevailed.

Senator Strehlow moved that the rules be suspended and Senate Bill No. 66 be considered properly re-engrossed and placed upon Second Reading and Final Passage as amended.

Which motion prevailed.

#### ROLL CALL

The question being on the final passage of Senate Bill No. 66, as amended, the roll was called and there were ayes, 38; nays, 2; absent and not voting, 9.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Nelson, Grand Fks.
Bilden	Kamrath	Olson
Brostuen	Kolpin	Skarvold

Messrs.	Messrs.	Messrs.
Coffey	Kroeber	Strehlow
Crandall	Lavik	Stucke
Drew	Lemke	Thatcher
Ettestad	Lian	Topp
Fine	Lowe	Trout
Fowler	Lynn	Vinje
Fredrickson	Magoffin	Watt
Gilbertson	McGillic	Whelan
Greene	Morrison	Williams
Guenther	Nelson, Barnes	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Owings	Streibel	
Absent and not voting:		
Messrs.	Messrs.	Messrs.
Blaisdell	Hulteng	Thorson
Cain	Johnson	Wog
Gronvold	Mutchler	Young

So the bill passed and the title was agreed to.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
February 13, 1937.

Mr. President: I have the honor to return herewith the following bills:

House Bill No. 16. A Bill for an Act to Encourage the Investment of Capital in the State of North Dakota in Connection with the Business of Securing, Saving, Storing and Refining of Petroleum and Petroleum Products, and to Fix and Determine a method for the Finding and Fixing a Limitation on Valuations Thereof for the Purposes of Taxation.

Also,

House Bill No. 42. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the Department of the Registrar of Motor Vehicles.

Also,

House Bill No. 142. A Bill for an Act Providing for the Establishment of Voting Precincts in All Special and Independent School Districts; Requiring Establishment of Polling Places for Each 5,000 Inhabitants; Providing for Appointment of Election Officials, Fixing Their Powers, Duties and Compensation and Repealing All Acts or Parts of Acts in Conflict Herewith.

Upon which the House has requested individual messages.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

## SECOND READING OF SENATE BILLS

Senate Bill No. 105. A Bill for an Act to Amend and Re-enact Section 8, of Chapter 108, of the Session Laws of 1935, Relating to Credit Unions in the State of North Dakota.

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, 8.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Kamrath	Nelson, Grand Fks.
Brostuen	Kolpin	Olson
Coffey	Kroeber	Owings
Drew	Lavik	Skarvold
Ettestad	Lemke	Strehlow
Fine	Lian	Streibel
Fowler	Lowe	Stucke
Fredrickson	Lynn	Thatcher
Gilbertson	Magoffin	Topp
Greene	McGillic	Trout
Gronvold	Morrison	Vinje
Guenther	Mutchler	Whelan
Guthrie	Nelson, Barnes	Williams
Johnson		

Those voting in the negative were:

Messrs.  
Aasen

Absent and not voting:

Messrs.	Messrs.	Messrs.
Blaisdell	Hulteng	Wog
Cain	Thorson	Young
Crandall	Watt	

So the bill passed and the title was agreed to.

## MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 13, 1937.

Mr. Speaker: I have the honor to inform you that the President of the Senate has appointed Senators Guthrie, Lavik and Whelan, to act with a like committee from the House, to arrange for joint memorial services on February 22nd, 1937.

Very respectfully,

THOMAS McDONALD,  
Secretary.

The President called Senator Johnson to the chair.

Senator Whelan moved that Senate Bill No. 110 be referred to the committee for correction. Which motion prevailed.

Senator Fredrickson moved that the vote by which House Bill No. 53 was indefinitely postponed be reconsidered. Which motion prevailed.

Senator Fredrickson moved that House Bill No. 53 be placed on the calendar. Which motion prevailed.

Senate Chamber,  
Bismarck, North Dakota,  
February 13, 1937.

Mr. Speaker: I have the honor to return herewith the following bill:

House Bill No. 142. A Bill for an Act Providing for the Establishment of Voting Precincts in All Special and Independent School Districts; Requiring Establishment of Polling Places for Each 5,000 Inhabitants; Providing for Appointment of Election Officials, Fixing Their Powers, Duties and Compensation and Repealing All Acts or Parts of Acts in Conflict Herewith.

Which the Senate has amended as shown in Senate Journal, page 574.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 13, 1937.

Mr. Speaker: I have the honor to return herewith the following bill:

House Bill No. 42. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the Department of the Registrar of Motor Vehicles.

Which the Senate has amended as shown in Senate Journal, page 573.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 13, 1937.

Mr. Speaker: I have the honor to return:

House Bill No. 16. A Bill for an Act to Encourage the Investment of Capital in the State of North Dakota in Connection with the Business of Securing, Saving, Storing and Re-



fining of Petroleum and Petroleum Products, and to Fix and Determine a method for the Finding and Fixing a Limitation on Valuations Thereof for the Purposes of Taxation.

Which the Senate has amended as shown in Senate Journal, pages 571-572.

Very respectfully,

THOMAS McDONALD,  
Secretary.

President Thoresen resumed the Chair.

### SECOND READING OF SENATE BILLS

Senate Bill No. 173. A Bill for an Act Amending and Re-enacting Section 30, of Chapter 96, of the Session Laws of the State of North Dakota for the Year 1931, Relating to Reserve Funds of State Banking Associations.

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, 33; nays, 9; absent and not voting, 7.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Mutchler
Bilden	Guthrie	Nelson, Barnes
Brostuen	Johnson	Nelson, Grand Fks.
Coffey	Kamrath	Skarvold
Crandall	Kolpin	Strehlow
Drew	Kroeber	Stucke
Ettestad	Lemke	Topp
Fowler	Lowe	Trout
Fredrickson	Lynn	Vinje
Gilbertson	Magoffin	Watt
Gronvold	McGillic	Whelan

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Fine	Olson	Thatcher
Greene	Owings	Thorson
Morrison	Streibel	Williams

Absent and not voting:

Messrs.	Messrs.	Messrs.
Blaisdell	Lavik	Wog
Cain	Lian	Young
Hulteng		

So the bill passed and the title was agreed to.

Senate Bill No. 179. A Bill for an Act to Provide for the Conservation, Protection, Improvement and Profitable Use of Agricultural Land Resources of the State of North Da-

kota and for Co-operation with the Governments and Agencies of Other States and of the United States Pursuant to the Provisions of Section 7 of an Act of the Congress of the United States Known as the Soil Conservation and Domestic Allotment Act, to Assent to and Accept the Provisions of Said Act; and, in Conformity With the Provisions of Said Act, to Designate and Authorize the North Dakota Agricultural College, Extension Service as the State Agency of This State in Conformity With Such Provisions, to Formulate, Submit to the Secretary of Agriculture of the United States, and Administer, State Plans to Carry Out the Provisions of This Act, to Define the Powers and Duties of said State Agency, to Provide for State Committee and Otherwise to Provide for the Administration of This Act.

Was read the second time.

Senator Thorson moved that Senate Bill No. 179 be amended as follows:

In line 3, page 3, correct spelling of the word "ratio"; in line 20, page 9, correct spelling of the word "determined"; in line 15, page 4, correct spelling of the word "Rico".

Which motion prevailed.

Senator Thorson moved that the rules be suspended and Senate Bill No. 179 be considered properly re-engrossed and placed upon Second Reading and final passage as amended.

Which motion prevailed.

#### ROLL CALL

The question being on the final passage of Senate Bill No. 179, as amended, the roll was called and there were ayes, 40; nays, 2; absent and not voting 7.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Johnson	Owings
Brostuen	Kamrath	Skarvold
Coffey	Kolpin	Strehlow
Crandall	Lavik	Streibel
Drew	Lemke	Stucke
Ettestad	Lian	Thorson
Fine	Lynn	Topp
Fowler	Magoffin	Trout
Fredrickson	Morrison	Vinje
Gilbertson	Mutchler	Watt
Greene	Nelson, Barnes	Whelan
Gronvold	Nelson, Grand Fks.	Williams
Guenther		

Those voting in the negative were:

Messrs.	Messrs.
Kroeber	Thatcher

Absent and not voting:

Messrs.	Messrs.	Messrs.
Blaisdell	Lowe	Wog
Cain	McGillic	Young
Hulteng		

So the bill passed and the title was agreed to.

Senator Kroeber: I want to explain my vote. I vote "no" on this bill because this is a bill to get around the courts.

Senate Bill No. 181. A Bill for an Act to Amend and Re-enact Section 4 of Chapter 193 of the 1933 Session Laws Relating to the Appointment of a Manager and Other Employees of the State Mill and Elevator.

Was read the second time.

Senator Fine moved that Senate Bill No. 181 be amended as follows:

On page 2, line 33 following the language "subject to the" insert the words "consent and."

Which motion prevailed.

Senator Fine moved that the rules be suspended and Senate Bill No. 181 be considered properly re-engrossed, and placed upon Second Reading and Final Passage as amended which motion prevailed.

### ROLL CALL

The question being on the final passage of Senate Bill No. 181, as amended, the roll was called and there were ayes, 30; nays, 14; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Nelson, Barnes
Cain	Johnson	Nelson, Grand Fks.
Coffey	Kolpin	Strehlow
Ettestad	Kroeber	Thatcher
Fine	Lavik	Topp
Fowler	Lian	Trout
Fredrickson	Lowe	Vinje
Gilbertson	Lynn	Watt
Gronvold	Magoffin	Whelan
Guenther	McGillic	Williams

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Bilden	Lemke	Skarvold
Crandall	Morrison	Streibel
Drew	Mutchler	Stucke
Greene	Olson	Thorson
Kamrath	Owings	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Blaisdell	Hulteng	Young
Brostuen	Wog	

So the bill passed and the title was agreed to.

Senator Gilbertson moved that the vote by which Senate Bill No. 181 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Olson: I vote "no" on this bill because I think it is just another attempt to turn the Mill over to the large milling interests.

Senator Williams: I vote "aye" on this bill and I would like to explain my vote. We either ought to turn this over to a cooperative organization, or to some private concern. If we can't do that we had better get a carload of dynamite and blow it up.

Senator Watt presented a communication from the Assistant Attorney General, which was read at the desk.

Senator Watt moved that the letter be printed in the Journal, and that the Secretary of the Senate be instructed to send a certified copy to the Manager of the Bank of North Dakota and to the Manager of the Mill and Elevator, asking them if they have complied with this law, if they intend to comply with it in the future, and requesting that they reply promptly.

Which motion prevailed.

State of North Dakota  
OFFICE OF ATTORNEY GENERAL  
Bismarck

February 13, 1937.

Honorable William Watt,  
State Senator,  
Bismarck, N. Dak.

Dear Senator:

Replying to your inquiry of this date regarding the application of Chapter 274 of the 1935 Session Laws known as the delinquent personal property tax deduction statute.

You desire to know if that statute applies to employees and agents of the Bank of North Dakota and of the State Mill and Elevator at Grand Forks.

That statute provides in substance that it shall be the duty of all persons who are required to pay any of the salaries or compensations of the employees named in that act to deduct from each of such salary payments a certain per cent monthly to apply on the delinquent personal property taxes of the employee or agent if he owes any to the county of his

residence or to the county or counties where the services were performed, and further provides that it shall apply to all appointive officials of this State and to all deputies, bureaus, boards, commissions, departments and "in fact to each and every person" receiving or demanding any money from the State of North Dakota or from any of its departments, bureaus, boards or commissions. The Bank of North Dakota and the State Mill and Elevator are, in my opinion, departments or commissions of the State of North Dakota the salaries of whose employees are paid from public funds of the State of North Dakota, and consequently come within the contemplation of this statute, and this tax deduction statute applies to both the Bank of North Dakota and the State Mill and Elevator.

Trusting that this may fully answer your inquiry, I beg to remain

Yours very truly,

CHAS. A. VERRET,  
Assistant Attorney General.

CAV\*RGM

#### SECOND READING OF SENATE BILLS

Senate Bill No. 185. A Bill for an Act Appropriating the Sum of One Thousand Two Hundred Forty Dollars and Fifty-one Cents (\$1,240.51) from the General Funds of the State of North Dakota to Compensate O. P. Shelstad for the Moneys Paid Out of His Own Funds for Necessary Expenses Incurred as State Dairy Commissioner, for the Payment of Which There was no Appropriation.

Was read the second time.

Senator Fine moved that Senate Bill No. 185 be amended as follows:

In line 2 of Section 1 strike out the words "of North Dakota" and insert the word "Treasury";

In line 3 of the title of the bill, strike out the words "of North Dakota" and insert the word "Treasury".

Which motion prevailed.

Senator Fine moved that the rules be suspended and Senate Bill No. 185 be considered properly re-engrossed and placed upon Second Reading and Final Passage as amended.

Which motion prevailed.

#### ROLL CALL

The question being on the final passage of Senate Bill No. 185, as amended, the roll was called and there were ayes, 44; nays, 0; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Johnson	Owings

Messrs.	Messrs.	Messrs.
Brostuen	Kamrath	Skarvold
Cain	Kolpin	Strehlow
Coffey	Kroeber	Streibel
Crandall	Lavik	Stucke
Drew	Lemke	Thatcher
Ettestad	Lian	Thorson
Fine	Lowe	Topp
Fowler	Lynn	Trout
Fredrickson	Magoffin	Vinje
Gilbertson	Morrison	Watt
Greene	Mutchler	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Blaisdell	McGillic	Young
Hulteng	Wog	

So the bill passed and the title was agreed to.

Senate Bill No. 142. A Bill for an Act to Amend and Re-enact Chapter 81 of the Session Laws for the Year 1933, Relating to Bonds from Contractors on Public Improvements; Repealing Section 6835 of the Compiled Laws for the Year 1913, and All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Was read the first 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, 0; absent and not voting, 10.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Morrison
Bilden	Guthrie	Nelson, Barnes
Brostuen	Johnson	Olson
Cain	Kamrath	Owings
Coffey	Kolpin	Skarvold
Crandall	Kroeber	Strehlow
Drew	Lavik	Streibel
Ettestad	Lemke	Stucke
Fine	Lian	Topp
Fowler	Lowe	Trout
Fredrickson	Lynn	Vinje
Greene	Magoffin	Watt
Gronvold	McGillic	Whelan

Absent and not voting:

Messrs.	Messrs.	Messrs.
Blaisdell	Nelson, Grand Fks.	Williams
Gilbertson	Thatcher	Wog
Hulteng	Thorson	Young
Mutchler		

So the bill passed, the title was agreed to, and the emergency clause was declared carried.

Senator Lynn moved that the Senate do now recess until ten o'clock Monday, which motion lost.

Senator Ettestad moved that House Bill No. 17 be placed upon second reading and final passage, which motion prevailed.

House Bill No. 17. A Bill for an Act to Authorize the Board of County Commissioners of the Counties in the State of North Dakota, to Make, Execute and Deliver, on Behalf of the County, Leases and Other Contracts for the Purpose of Mining, and Operating for Oil and Gas, Lay Pipe Lines, and for Establishing and Maintaining Tanks, Power Stations and Structures Thereon, to Produce, Save, Sell and Take Care of Said Products, Together with Power and Authority to Include in the Provisions of Said Leases Any and All Provisions Which Would Be Within the Power of an Individual owner to Make, With Certain Limitations, and Providing for the Distribution of Moneys Received from Said Leases: Repeal: 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, 0; absent and not voting, 9.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Nelson, Grand Fks.
Bilden	Johnson	Olson
Brostuen	Kamrath	Owings
Cain	Kroeber	Skarvold
Coffey	Lavik	Streibel
Crandall	Lemke	Stucke
Ettestad	Lian	Thatcher
Fine	Lowe	Topp
Fowler	Lynn	Trout
Fredrickson	Magoffin	Vinje
Gilbertson	McGillic	Watt
Greene	Morrison	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Blaisdell	Kolpin	Thorson
Drew	Mutchler	Wog
Hulteng	Strehlow	Young

So the bill passed, the title was agreed to, and the emergency clause declared carried.

Senator Brostuen moved that the Senate do now recess until 12:30 Monday, which motion lost.

Senator Bilden moved that House Bill No. 12 be placed at the head of the calendar, which motion lost.

### SECOND READING OF SENATE BILLS

Senate Bill No. 160. A Bill for an Act Prohibiting Chattel Mortgages on Personal Property When Such Mortgage Fails to Specifically Describe the Property Mortgaged or When the Same is Designated by Group; Repealing All Acts or Parts of Acts in Conflict Herewith; 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, 41; nays, 0; absent and not voting 8.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Nelson, Grand Fks.
Bilden	Johnson	Olson
Brostuen	Kamrath	Owings
Cain	Kroeber	Skarvold
Coffey	Lavik	Streibel
Crandall	Lemke	Stucke
Ettestad	Lian	Thatcher
Fine	Lowe	Topp
Fowler	Lynn	Trout
Fredrickson	Magoffin	Vinje
Gilbertson	McGillic	Watt
Greene	Morrison	Whelan
Gronvold	Mutchler	Williams
Guenther	Nelson, Barnes	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Blaisdell	Kolpin	Wog
Drew	Strehlow	Young
Hulteng	Thorson	

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Senate Bill No. 175. A Bill for an Act to Amend and Re-enact Section 1373, Session Laws of 1911, Chapter 266.

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, 41; nays, 0; absent and not voting 8.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Johnson	Owings



Messrs.	Messrs.	Messrs.
Brostuen	Kamrath	Skarvold
Coffey	Kroeber	Strehlow
Crandall	Lavik	Streibel
Drew	Lemke	Stucke
Ettestad	Lian	Thatcher
Fine	Lowe	Thorson
Fowler	Lynn	Topp
Fredrickson	Magoffin	Vinje
Gilbertson	Morrison	Watt
Greene	Mutchler	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Blaisdell	Kolpin	Wog
Cain	McGillic	Young
Hulteng	Trout	

So the bill passed and the title was agreed to.

Senate Bill No. 176. A Bill for an Act to Amend and Re-enact Section 1370, Session Laws of 1911, Chapter 266, as Amended by Chapter 239, Session Laws of 1927.

Senator Thatcher moved that Senate Bill No. 176 be amended as follows:

In line 8 of Section 1, strike out the word "he" and insert in lieu thereof the words "The County Superintendent".

Which motion prevailed.

Senator Thatcher moved that the rules be suspended and Senate Bill No. 176 be considered properly re-engrossed, and placed upon Second Reading and Final Passage as amended, which motion prevailed.

### ROLL CALL

The question being on the final passage of Senate Bill No. 176, as amended, the roll was called and there were ayes, 43; nays, 0; absent and not voting 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Nelson, Grand Fks.
Bilden	Johnson	Olson
Brostuen	Kamrath	Owings
Cain	Kolpin	Skarvold
Coffey	Kroeber	Strehlow
Crandall	Lemke	Streibel
Drew	Lian	Stucke
Ettestad	Lowe	Thatcher
Fine	Lynn	Thorson
Fowler	Magoffin	Topp
Fredrickson	McGillic	Trout
Gilbertson	Morrison	Vinje

Messrs.	Messrs.	Messrs.
Greene	Mutchler	Watt
Gronvold	Nelson, Barnes	Whelan
Guenther		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Blaisdell	Lavik	Wog
Hulteng	Williams	Young

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Senate Bill No. 177. A Bill for an Act to Amend and Re-enact Section 1376, Session Laws of 1911, Chapter 266.

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 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Johnson	Owings
Brostuen	Kolpin	Skarvold
Cain	Kroeber	Strehlow
Coffey	Lemke	Streibel
Crandall	Lian	Stucke
Drew	Lowe	Thatcher
Ettestad	Lynn	Thorson
Fine	Magoffin	Topp
Fowler	McGillic	Trout
Fredrickson	Morrison	Vinje
Gilbertson	Mutchler	Watt
Greene	Nelson, Barnes	Whelan
Gronvold	Nelson, Grand Fks.	Williams
Guenther		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Blaisdell	Kamrath	Wog
Hulteng	Lavik	Young

So the bill passed and the title was agreed to.

Senate Bill No. 184. A Bill for an Act to Amend and Re-enact Section 3 and 7 of Chapter 3, Session Laws of 1933, Relating to Unfair Discrimination in the Purchase Price of Certain Farm Products.

Was read the second time.

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 16; nays, 27; absent and not voting, 6.

## ROLL CALL

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kroeber	Thatcher
Bilden	McGillic	Topp
Crandall	Skarvold	Vinje
Fine	Strehlow	Watt
Fredrickson	Stucke	Whelan
Greene		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Brostuen	Guthrie	Morrison
Cain	Johnson	Mutchler
Coffey	Kamrath	Nelson, Barnes
Drew	Kolpin	Nelson, Grand Fks.
Ettestad	Lemke	Olson
Fowler	Lian	Owings
Gilbertson	Lowe	Streibel
Gronvold	Lynn	Thorson
Guenther	Magoffin	Trout

Absent and not voting:

Messrs.	Messrs.	Messrs.
Blaisdell	Lavik	Wog
Hulteng	Williams	Young

So the bill was declared lost.

Senator Lowe: If this bill would do some good for the people it is intended to benefit, I would like to vote aye. However, the constitutional authorities here seem to think it is no good, therefore I vote "no".

Senator Thatcher: It seems to me there is something good in this bill and I am going to vote "aye" and let the Supreme Court decide it.

Senator Topp: I am in doubt, therefore I vote "aye".

## MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
February 13, 1937.

Mr. President: I have the honor to inform you that the House has refused to concur in the Senate amendment to House Bill No. 42, also, House Bill No. 40, and the Speaker has appointed as a conference committee to act with a like committee from the Senate, Representatives Adam, Frosaker and Stray.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 13, 1937.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to House Bill No. 16.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 13, 1937.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to House Bill No. 142.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 195. A Bill for an Act to Rid the State of a Public Nuisance, Namely Irresponsible Collectors or Collection Agencies who Themselves are Operating Without Sufficient Funds and Who are Unable to Pay their Own Obligations, Yet Who Continually Persist in Cluttering Up the Courts With Garnishment and Attachment Actions, Causing Many Worthy Individuals with Large Families to Support, to Lose Their Jobs by Useless Litigation.

Was read the second time.

Senator Johnson moved that Senate Bill No. 195 be amended as follows:

At end of title strike out the period, insert a comma and add the words "and declaring an emergency".

Which motion prevailed.

Senator Johnson moved that the rules be suspended and Senate Bill No. 195 be considered properly re-engrossed and placed upon Second Reading and Final Passage as amended.

Which motion prevailed.

#### ROLL CALL

The question being on the final passage of Senate Bill No. 195, the roll was called and there were ayes, 34; nays, 10; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Kamrath	Skarvold
Brostuen	Kolpin	Streibel

Messrs.	Messrs.	Messrs.
Cain	Kroeger	Stucke
Crandall	Lemke	Thatcher
Drew	McGillic	Thorson
Fine	Morrison	Topp
Fowler	Mutchler	Trout
Fredrickson	Nelson, Barnes	Vinje
Gilbertson	Nelson, Grand Fks.	Watt
Greene	Olson	Whelan
Guenther	Owings	Williams
Guthrie		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Lynn
Coffey	Lian	Magoffin
Ettestad	Lowe	Strehlow
Gronvold		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Blaisdell	Lavik	Young
Hulteng	Wog	

So the bill passed, the title was agreed to, and the emergency clause was declared carried.

Senator Aasen: I am going to vote "no" on this bill. I do not believe it can be enforced.

Senator Whelan moved that the vote by which Senate Bill No. 195 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Guthrie announced that he had received a communication from the State Director for the National Emergency Council for North Dakota, Robert B. Cummins, relative to federal appropriations for emergency crop and feed loans, which contained information of interest to all.

Senator Guthrie read the announcement.

Senator Whelan moved that the announcement be printed in the Journal, which motion prevailed.

"According to information received today by Robert B. Cummins, State Director for the National Emergency Council for North Dakota, the appropriation to cover emergency crop and feed loans, which is included in the first deficiency bill, has cleared Congress and has been signed by the President.

"Application blanks and other forms in connection with this type of loan will be prepared immediately and should be available for distribution through Farm Credit Administration Regional Office at St. Paul and the offices of their Field Supervisors in the counties in the state not later than the week of February 15th. Checks covering, properly filled

in and approved applications, will be mailed from the Regional office at St. Paul to the Field Supervisors of the feed and seed loan section of the Farm Credit Administration in the various counties in North Dakota within twenty-four to forty-eight hours from the time such applications are received by the Regional office.

"In instances where loans are needed for planting of cash crops, a first lien will be required upon all crops to be financed, in whole or in part, with the proceeds of such loans. In instances, where loans are needed for the purchase or production of feed for livestock, a first lien will be required upon the livestock to be fed.

"Mr. Cummins further stated that all farmers who are unable to obtain credit from private financial institutions or other sources are eligible, except farmers who are now standard rehabilitation "farm plan" clients of the Resettlement Administration. Those who fall within this latter class will be provided supplemental loans by the Rehabilitation division of the Resettlement Administration. No loan shall exceed \$400.00, and shall bear interest at the rate of 4% per annum.

"Mr. Cummins is confident that the emergency crop and feed loan section, with its present set-up and its present personnel is in a position to service any farmer in any county in the state whose need for an emergency crop and feed loan has been determined by the proper authorities."

#### 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 Bill No. 87. A Bill for an Act Providing for the Application to Highway Purposes of All Special Taxes on Motor Vehicle Transportation and Declaring an Emergency.

Also,

Senate Bill No. 93. A Bill for an Act to Amend and Re-enact Section Four (4) of Chapter 104 of the Laws of North Dakota for the Year 1933, Relating to the Granting and Revocation of Licenses to Practice Dentistry, Setting Forth the Grounds for the Revocation Thereof and Defining Unprofessional Conduct.

Were delivered to the Governor for his approval at the hour of 3:30 o'clock P. M., February 13, 1937.

WILLIAM KROEBER,  
Chairman.

#### FIRST READING OF HOUSE BILLS

House Bill No. 203. A Bill for an Act to Amend and Re-enact Section 201 of the 1935 Session Laws Relating to Lim-

iting the Hours of Employment of Municipal Employees, Fixing the Penalty for Violation Thereof, and Repealing All Acts and Parts of Acts in Conflict Therewith, and Declaring an Emergency.

Was read the first time and referred to the Committee on Corporations.

House Bill No. 98. A Bill for an Act Directing the Board of Administration to Engage Competent Engineering Experts to Determine What Can Be Done to Remedy the Poor Hearing Qualities of the House Chamber and Advise on Cost Thereof; Proceed to Have Same Done if at a Cost Not in Excess of \$2,500; Making an Appropriation, and Declaring an Emergency.

Was read the first time and referred to the Committee on Appropriations.

House Bill No. 167. A Bill for an Act Making an Appropriation to Cover a Deficit in the Office of Securities Commission; to Provide for Expenses Necessary to Carry on an Investigation Ordered by the Legislature; Making an Appropriation and Declaring an Emergency.

Was read the first time and referred to the Committee on Appropriations.

#### HOUSE CONCURRENT RESOLUTION "K".

Was read the first time and referred to the Committee on Taxes and Tax Laws.

#### HOUSE CONCURRENT RESOLUTION "V".

Was read the first time and referred to the Committee on Federal Relations.

House Bill No. 177. A Bill for an Act Authorizing the Secretary of Agriculture and Labor to Issue an Official Brand Book Showing All the Livestock Brands Now of Record in His Office, Making the Same Receivable in Evidence as Proof of Brands and the Ownership Thereof, and Making an Appropriation Therefor, and Declaring an Emergency.

Was read the first time and referred to the Committee on Appropriations.

House Bill No. 59. A Bill for an Act Providing for the Adjustment and Payments of Delinquent Taxes, and Declaring an Emergency.

Was read the first time and referred to the Committee on Taxes and Tax Laws.

House Bill No. 170. A Bill for an Act to Provide That the School Census in All Types of School Districts Shall Be Conducted in Odd Numbered Years Only.

Was read the first time and referred to the Committee on Education.

House Bill No. 180. A Bill for an Act to Amend and Re-

enact Section 10 of Chapter 97 of the Session Laws of 1933, Providing Duty of Relative to Aid and Right of Recovery by County or County Welfare Board.

Was read the first time and referred to the Committee on Women's and Children's Welfare.

House Bill No. 165. A Bill for an Act to Amend and Re-enact Section 3802 Compiled Laws of North Dakota for the Year 1913, Relating to Salaries Under the Commission Form of Government.

Was read the first time and referred to the Committee on Corporations.

House Bill No. 124. A Bill for an Act Relating to the Jurisdiction and Powers of the Board of Railroad Commissioners of the State of North Dakota, Relating to Hearings and Investigations in Connection With Public Utilities; and Relating to the Payment of Expenses of Hearings, and Investigations, and Valuations, and/or Revaluations, and of Methods of Assessing and Collecting the Same, Re-creating and Continuing "Public Utility Fund," a Revolving Fund, and Declaring an Emergency, and Repealing All Acts or Parts of Acts in Conflict Herewith, Except the Provisions of Acts Relating to "Public Utility Fund."

Was read the first time and referred to the Committee on Railroads.

#### HOUSE RESOLUTION "W".

Was read the first time and referred to the Committee on Agriculture.

#### HOUSE CONCURRENT RESOLUTION "Y".

Was read the first time and referred to the Committee on Highways.

### SIGNING OF BILLS

The Secretary announced that the President was about to sign:

Senate Bill No. 83. A Bill for an Act Providing for Relief in Certain Cases During the Emergency Declared to Exist From Foreclosure of Mortgages or Other Liens on Real Estate, and Execution Sales of Real Estate, and Cancellation of Contracts for the Sale of Real Property, Eviction of Tenants from Real Estate, and for Postponing Certain Sales and Extending the Period of Redemption from Certain Sales, and Relating to the Jurisdiction and Procedure for Such Relief, and for the Right to Possession During the Extended Period, and Limiting the Right to Emergency Actions for Deficiency Judgment, and for Extending the Expiration of Certain Periods of Redemption to Thirty Days After the Passage of this Act; Repealing All Acts Inconsistent Herewith and Declaring an Emergency.

Also,



Senate Bill No. 69. A Bill for an Act to Amend and Re-enact Section 3585 of the Compiled Laws of 1913 Relating to the Qualifications of City Aldermen, Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Also,

Senate Bill No. 48. A Bill for an Act to Amend and Re-enact Section 1164 of the Compiled Laws of the State of North Dakota for 1913, Pertaining to the Duties of the Clerks of Common School Districts, and Declaring an Emergency, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Also,

House Bill No. 31. A Bill for an Act to Amend and Re-enact Section 4950a13 of the Supplement to the Compiled Laws of North Dakota, Relating to County Mutual Insurance Companies, and Declaring an Emergency.

Also,

House Bill No. 78. A Bill for an Act Providing for the Registration of Public Contractors, and Defining the Term Public Contractor; Providing the Requirements and Method of Obtaining a License to Engage in the Business of Public Contracting in the State of North Dakota; Classifying and Fixing the Fee for Such License; Providing the Method of Suspension, Cancellation and Reinstatement Thereof; Providing Added Requirements in Bond of Foreign Contractor; Prescribing Penalties for the Violation of This Act; and Repealing All Acts or Parts of Acts in Conflict With the Provisions Hereof, and Declaring an Emergency.

Also,

House Bill No. 52. A Bill for an Act to Validate and Legalize Proceedings Taken Under Chapter 116, Laws 1919, to Establish and Construct Flood Irrigation Projects, Issue Bonds, Warrants and Other Evidences of Indebtedness to Finance the Cost of Such Projects, Levy Assessments and Taxes for the Payment of Such Indebtedness, and Declaring Such Obligations and Obligations Issued or to Be Issued to Fund Such Indebtedness Valid and Legal, and Declaring an Emergency.

Also,

House Bill No. 128. A Bill for an Act to Amend and Re-enact Section 3846 of the Compiled Laws of North Dakota for 1913, fixing the hours during which the polls shall be open at an election upon the question of whether or not a proposed Village shall incorporate.

Also,

House Bill No. 88. A Bill for an Act to Amend and Re-enact Section 5 of Chapter 195 of the Session Laws of North Dakota for the Year 1929, Relating to the Construction of All Public Buildings and Repairs and Improvements Connected

With or Pertaining Thereto, Contracts Therefor, and Allowance and Payment of Estimates Thereon.

Also,

House Bill No. 129. A Bill for an Act to Amend and Re-enact Section 3852 of the Compiled Laws of North Dakota for 1913, Fixing the Hours During Which the Polls Shall Be Open at Annual Village Elections: Declaring an Emergency.

Also,

House Bill No. 145. A Bill for an Act Providing for a Transfer of Certain School Lands Situated in Bottineau County, State of North Dakota, with the Buildings Thereon, to the State Historical Society to Be Used and Maintained as a Part of the State Public Park System, and Providing for an Appropriation to Reimburse the Permanent School Fund of the State.

And the President signed the same in the presence of the Senate.

Senator Fowler moved that the Senate do now recess until one o'clock p. m., Monday, which motion prevailed.

The Senate stood recessed.

#### COURTESIES OF THE FLOOR

The courtesies of the floor were extended to:

Dr. Chas. O'Keefe, Bismarck; H. H. Hewitt, Minto; Robert E. Fredrickson, Valley City; Spencer C. Boise, Bismarck; Mrs. James Flynn and son Jimmy, Jamestown; Ella Olson, Mabel Culver, Miss Lenora Cole, Miss Rauer, all of Bismarck.

THOMAS McDONALD,  
Secretary.

FORTIETH DAY AFTER RECESS AND  
FORTY-SECOND DAY

Senate Chamber,  
Bismarck, North Dakota,  
February 15, 1937.

The Senate convened at 1:00 p. m., pursuant to recess taken, President Thoresen presiding.

PETITIONS AND COMMUNICATIONS

The following petitions and communications were received, read from the desk, and referred to the appropriate committees:

A communication signed by Mrs. E. E. Howell, Executive Secretary of the Council of Social Agencies, Fargo, urging defeat of House Bills 210 and 211, stating it was their unanimous belief that the destruction of Public Welfare Boards and turning administration of relief over to County Commissioners would be definite retrogression.

A communication signed by 32 citizens of Dickinson urging support of bill providing for County Option in matter of liquor traffic, prohibition of liquor in dance halls and opposition to bill providing for repeal of law forbidding advertising of hard liquor in North Dakota.

A similar communication signed by 28 citizens of Parshall.

Senator Fredrickson moved that the Senate reconsider the vote by which Senate Bill No. 164 was indefinitely postponed.

Which motion was lost.

Senator Lemke moved that the President appoint a conference committee of three to confer with a like committee from the House on House Bills Nos. 42 and 40, which motion prevailed. The President appointed on such committee Senators Watt, Streibel and Williams.

Senator Owings moved that the Senate reconsider the vote by which Senate Bill No. 184 was indefinitely postponed, which motion prevailed.

## FIRST READING OF SENATE BILLS

Senator McGillic introduced:

Senate Bill No. 245. A Bill for an Act Directing the Board of Railroad Commissioners to Test Electric Meters of Electric Utility Companies and Gas Meters of Gas Utility Companies, and to Determine the Heat Values of Natural and/or Artificial Gas Distributed by Public Gas Utility Companies, and Making an Appropriation for Testing Equipment Therefor, and Declaring an Emergency.

Was read the first time and referred to the Committee on Appropriations.

## SECOND READING OF SENATE BILLS

Senate Bill No. 202. A Bill for an Act Repealing Sections 7770, 7771, 7772, 7773, 7774, 7775 and 7776 of the Compiled Laws for 1913, Dealing with Amendment of Sheriff and Clerk of Court and Procedure, and Abolishing Amercement Proceedings.

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, 6; absent and not voting 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Owings
Blaisdell	Johnson	Skarvold
Brostuen	Kamrath	Strehlow
Cain	Kolpin	Streibel
Coffey	Kroeber	Stucke
Crandall	Lavik	Thatcher
Drew	Lemke	Topp
Ettestad	Lian	Trout
Fine	Lynn	Vinje
Fowler	Magoffin	Whelan
Fredrickson	McGillic	Williams
Gilbertson	Morrison	Wog
Gronvold	Mutchler	Young
Guenther	Nelson, Barnes	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Bilden	Lowe	Thorson
Greene	Olson	Watt

Absent and not voting:

Messrs.	Messrs.
Hulteng	Nelson, Grand Fks.

So the bill passed and the title was agreed to.

MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 15, 1937.

Mr. Speaker: I have the honor to inform you that the President has appointed as a Conference Committee on House Bill 40 and House Bill 42, Senators Watt, Streibel and Williams.

Very respectfully,

THOMAS McDONALD,  
Secretary.

SECOND READING OF SENATE BILLS

Senate Bill No. 206. A Bill for an Act to Amend and Re-enact Chapter 158, Session Laws of 1933, Relating to Foreclosure of Mortgages by Advertisement.

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, 5; absent and not voting 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Mutchler
Blaisdell	Guthrie	Nelson, Barnes
Brostuen	Johnson	Nelson, Grand Fks.
Cain	Kolpin	Skarvold
Coffey	Kroeber	Strehlow
Crandall	Lavik	Stucke
Drew	Lemke	Thatcher
Ettestad	Lian	Topp
Fine	Lowe	Trout
Fowler	Lynn	Vinje
Fredrickson	Magoffin	Whelan
Gilbertson	McGillic	Wog
Greene	Morrison	Young
Gronvold		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Kamrath	Owings	Thorson
Olson	Streibel	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Watt	Williams
Hulteng		

So the bill passed and the title was agreed to.

## SENATE CONCURRENT RESOLUTION "O"

Introduced by Senator Whelan

A Senate Resolution Providing for an Investigation Into Various and Sundry Bond Transactions by or Between the Various Departments of State Government.

BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA:

Whereas on January 16th, 1937, this body adopted a certain resolution directing an investigation into various and sundry bond transactions by or between the various departments of state government, and

Whereas it appears that to properly conduct this investigation it is necessary to subpoena certain witnesses and records from and within the various departments, and

Whereas it further appears that it may be necessary and desirable to subpoena certain persons and records not connected with the departments

NOW THEREFORE BE IT RESOLVED

That the subcommittee, consisting of Senators Whelan, Drew and Crandall are hereby, in the name of this body, authorized, directed and empowered to subpoena such officials, employees, records, documents, papers, or other matter, and require the production thereof, from the offices of the officials of this state, or elsewhere, as they may deem necessary to the proper conduct of the investigation heretofore directed.

BE IT FURTHER RESOLVED

That all officials of this state, and all other persons to whom subpoena may be directed, are in the name of this body, required or directed, to present themselves before this committee together with such official record or other records as they may be ordered to produce by the service of an official subpoena issued in the name of the committee authorized to investigate bond transactions, and when such is signed by the Chairman of the Committee and attested by the Secretary of the Senate, and

BE IT FURTHER RESOLVED THAT

Should any officials or persons refuse to present themselves and their records before this committee as directed in such subpoena as may be issued by this committee in the name of the Senate, then the Sergeant-at-Arms is hereby directed that upon a request by the committee that he will arrest such persons as fail to appear and that he shall then present such persons before the bar of the senate for such further action as may by this body be deemed necessary.

Senator Whelan:

In support of this resolution, I want to show you one of

the bond deals which we have investigated, and which we have completed.

To date we have completed five deals and expect to have three more finished by tomorrow night. We find that the committee must have the power to subpoena the books and records of some individuals and also subpoena the individuals themselves.

Here is one of the deals we have completed:

This has to do with the transactions involving one block of \$300,000 worth of state bonds. As I said the par value of these bonds is \$300,000. The numbers of these bonds are Real Estate Series "K", Nos. 32001 to 32300, 4½%, due January 1st, 1953. The Bank of North Dakota statement shows these bonds sold to H. E. Mueller on May 25th, 1934, for \$293,500. The Bank sold these bonds so they could purchase shorter maturity real estate bonds.

The State Treasurer's report shows this block of bonds registered to the Workmen's Compensation Bureau on May 25th, 1934, or the same date the Bank shows them sold.

But the Workmen's Compensation Bureau reports these same bonds as being purchased direct from the Bank of North Dakota on May 17th, 1934, or eight days before they were actually sold at 102.23 or \$306,690. In other words from the records submitted to this committee, it appears that someone made, and the state departments lost \$13,190, without having a cent invested, as the bonds were sold eight days before they were purchased.

Senator Fowler moved that Senate Bill No. 103 be re-referred to the Committee on Judiciary, which motion prevailed.

Senator Coffey moved that Senate Bill No. 180 be taken from the calendar and re-referred to the Committee on Drainage and Irrigation, which motion prevailed.

Senator Fine requested an extension of time on Senate Bills No. 155 and 156, which request was granted.

Senator Cain requested an extension of time on House Bills No. 21 and 112, which request was granted.

Senator Whelan moved that House Bill No. 12 be placed at the head of the calendar, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 12. A Bill for an Act Making an Appropriation to Provide Funds for the Maintenance of the North Dakota National Guard or State Militia, as Provided for Under Chapter 35 of the Political Code of the Compiled Laws of North Dakota, for the Year 1913 and Amendments Thereto, and to Meet Other Requirements Prescribed by the Federal Statutes.

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, 4; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Gronvold	McGillic
Bilden	Guenther	Morrison
Blaisdell	Guthrie	Mutchler
Brostuen	Johnson	Nelson, Barnes
Cain	Kamrath	Nelson, Grand Fks.
Coffey	Kolpin	Skarvold
Crandall	Kroeber	Strehlow
Drew	Lavik	Topp
Ettestad	Lemke	Trout
Fine	Lian	Vinje
Fowler	Lowe	Whelan
Fredrickson	Lynn	Wog
Gilbertson	Magoffin	Young
Greene		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Olson	Thatcher	Thorson
Owings		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Hulteng	Stucke	Williams
Streibel	Watt	

So the bill passed and the title was agreed to.

Senator Gilbertson 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.

## SECOND READING OF SENATE BILLS

Senate Bill No. 208. A Bill for an Act to Amend and Re-enact Chapter 244 of the Session Laws of North Dakota for 1935, Requiring Judgment Creditors to File an Affidavit Identifying the Judgment Debtor, Forbidding Clerks of Court, and Other Officers to Enter Judgments Without Affidavits of Identification, and Providing a Penalty for Failure to Comply With This Law.

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, 2; absent and not voting, 6.



Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Gronvold	Morrison
Bilden	Guenther	Mutchler
Blaisdell	Guthrie	Nelson, Barnes
Brostuen	Johnson	Nelson, Grand Fks.
Cain	Kamrath	Skarvold
Coffey	Kolpin	Strehlow
Crandall	Kroeber	Thatcher
Drew	Lavik	Topp
Ettestad	Lemke	Trout
Fine	Lian	Vinje
Fowler	Lowe	Whelan
Fredrickson	Lynn	Wog
Gilbertson	Magoffin	Young
Greene	McGillic	

Those voting in the negative were:

Messrs.	Messrs.
Olson	Owings

Absent and not voting:

Messrs.	Messrs.	Messrs.
Hulteng	Stucke	Watt
Streibel	Thorson	Williams

So the bill passed and the title was agreed to.

Senator Coffey moved that the Senate do now adjourn, which motion prevailed. The Senate stood adjourned.

THOMAS McDONALD,  
Secretary.

#### FORTY-SECOND DAY

Senate Chamber,  
Bismarck, North Dakota,  
February 15, 1937.

The Senate convened at 2:00 p. m., pursuant to adjournment, the President presiding.

Prayer by the Chaplain, Rev. Joseph F. Schmidt, Bismarck.

Roll call: All members present except Senator Hulteng.

Senator Lian moved the absent Senator be excused, which motion prevailed.

#### REPORT OF COMMITTEE ON REVISION AND CORRECTION OF THE JOURNAL

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 39th day after recess and 40th day, find the same to be correct and recommend that the same be approved.

C. C. MORRISON,  
Chairman.

Senator Young moved that the report be adopted, which motion prevailed and the report was adopted.

#### MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
February 15, 1937.

Mr. President: I have the honor to transmit herewith the following bill:

House Bill No. 36. A Bill for an Act Forbidding Compulsory Military Training and Tactics in State Supported Educational Institutions.

Which the Speaker has signed and your signature is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 15, 1937.

Mr. President: I have the honor to transmit herewith the following bills:

House Bill No. 178. A Bill for an Act Making an Appropriation for the Purpose of Paying Rental and Eliminating Toll Charges on the Great Northern Railway Company's Bridge Across the Yellowstone River in McKenzie County, North Dakota, and Authorizing the State Highway Commissioner to Enter Into a Contract With the Great Northern Railway Company to Provide Free Crossing to Vehicle and Traffic Over Said Bridge.

Also,

House Bill No. 126. A Bill for an Act to Provide for the Transfer of All Moneys Derived From Special Taxes on Motor Vehicle Transportation, Which Are Now Remaining Inactive in Special Funds to the Department of State Highways.

Also,

House Bill No. 109. A Bill for an Act to Amend and Re-enact Sections 2568, 2569 and 2570, of the Compiled Laws of North Dakota for 1913, Providing for the Liability and the Expenses for the Insane, Declaring Responsibility of the County and of the State; Providing for the Duties of the Superintendent of the State Hospital for the Insane with

Reference Thereto, Repealing All Acts in Conflict Therewith and Declaring an Emergency.

Also,

House Bill No. 221. A Bill for an Act Permitting and Authorizing the Adoption of Civil Service by Cities Having a Population in Excess of 4,000 According to the Latest Official Census, Federal or State; Providing for Such Adoption by Passage or Ordinance; When Not so Adopted, by Proceeding by Petition and Election Based Thereon; Providing for Abolishing Such Civil Service After Adoption by Vote of Electors; Prescribing Procedure With Respect Thereto; and Penalties for Violations Hereof.

Also,

House Bill No. 208. A Bill for an Act Providing for the Payment and Cancellation of Personal Property Taxes Assessed and Levied for the Year 1935 and All Prior Years; Fixing the Amount to Be Paid and Providing for Cancellation of Interest and Penalties and Partial Cancellation of the Original Amount of Such Taxes.

Also,

House Bill No. 196. A Bill for an Act to Amend and Re-enact Section 189c14 of the Supplement to the Compiled Laws of 1913 as Amended and Re-enacted by Section 12 of Chapter 153 Session Laws of 1935 Relating to Collection of Premiums for Fire and Tornado Insurance on Public Buildings and Investment by the State Treasurer, and Declaring an Emergency.

Which the House has passed and your favorable consideration is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 15, 1937.

Mr. President: I have the honor to return herewith the following resolution:

SENATE CONCURRENT RESOLUTION "J".

Which the House has adopted.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 15, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bill:

Senate Bill No. 181. A Bill for an Act to Amend and Re-enact Section 4 of Chapter 193 of the 1933 Session Laws Relating to the Appointment of a Manager and Other Employees of the State Mill and Elevator.

Which the Senate has passed and your favorable consideration is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 15, 1937.

Mr. Speaker: I have the honor to return herewith the following bills:

House Bill No. 6. A Bill for an Act Making an Appropriation to Pay the Burial Expenses of Inmates of the Penitentiary and State Training School as Prescribed by Section 11302 of the Supplement to the 1913 Compiled Laws of North Dakota.

Also,

House Bill No. 20. A Bill for an Act to Amend Section 10254 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to Jumping Hotel Bills and Further Providing for the Repeal of All Acts or Parts of Acts in Conflict Herewith.

Also,

House Bill No. 146. A Bill for an Act to Protect the Public Health and Morals by Prohibiting the Employment of Females Under the Age of Eighteen Years in Certain Places Where Beer or Alcoholic Beverages Are Sold, Providing a Penalty for the Violation of the Provisions Hereof, and Declaring an Emergency.

Which the Senate has indefinitely postponed.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 15, 1937.

Mr. Speaker: I have the honor to return herewith the following bills:

House Bill No. 31. A Bill for an Act to Amend and Re-enact Section 4950a13 of the Supplement to the Compiled Laws of North Dakota, Relating to County Mutual Insurance Companies, and Declaring an Emergency.

Also,

House Bill No. 78. A Bill for an Act Providing for the Registration of Public Contractors, and Defining the Term

Public Contractor; Providing the Requirements and Method of Obtaining a License to Engage in the Business of Public Contracting in the State of North Dakota; Classifying and Fixing the Fee for Such License; Providing the Method of Suspension, Cancellation and Reinstatement Thereof; Providing Added Requirements in Bond of Foreign Contractor; Prescribing Penalties for the Violation of This Act; and Repealing All Acts or Parts of Acts in Conflict With the Provisions Hereof, and Declaring an Emergency.

Also,

House Bill No. 52. A Bill for an Act to Validate and Legalize Proceedings Taken Under Chapter 116, Laws 1919, to Establish and Construct Flood Irrigation Projects, Issue Bonds, Warrants and Other Evidences of Indebtedness to Finance the Cost of Such Projects, Levy Assessments and Taxes for the Payment of Such Indebtedness, and Declaring Such Obligations and Obligations Issued or to Be Issued to Fund Such Indebtedness Valid and Legal, and Declaring an Emergency.

Also,

House Bill No. 128. A Bill for an Act to Amend and Re-enact Section 3846 of the Compiled Laws of North Dakota for 1913, fixing the hours during which the polls shall be open at an election upon the question of whether or not a proposed Village shall incorporate.

Also,

House Bill No. 145. A Bill for an Act Providing for a Transfer of Certain School Lands Situated in Bottineau County, State of North Dakota, with the Buildings Thereon, to the State Historical Society to Be Used and Maintained as a Part of the State Public Park System, and Providing for an Appropriation to Reimburse the Permanent School Fund of the State.

Also,

House Bill No. 129. A Bill for an Act to Amend and Re-enact Section 3852 of the Compiled Laws of North Dakota for 1913, Fixing the Hours During Which the Polls Shall Be Open at Annual Village Elections: Declaring an Emergency.

Also,

House Bill No. 88. A Bill for an Act to Amend and Re-enact Section 5 of Chapter 195 of the Session Laws of North Dakota for the Year 1929, Relating to the Construction of All Public Buildings and Repairs and Improvements Connected With or Pertaining Thereto, Contracts Therefor, and Allowance and Payment of Estimates Thereon.

Which the President has signed.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 15, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bills:

Senate Bill No. 83. A Bill for an Act Providing for Relief in Certain Cases During the Emergency Declared to Exist From Foreclosure of Mortgages or Other Liens on Real Estate, and Execution Sales of Real Estate, and Cancellation of Contracts for the Sale of Real Property, Eviction of Tenants from Real Estate, and for Postponing Certain Sales and Extending the Period of Redemption from Certain Sales, and Relating to the Jurisdiction and Procedure for Such Relief, and for the Right to Possession During the Extended Period, and Limiting the Right to Emergency Actions for Deficiency Judgment, and for Extending the Expiration of Certain Periods of Redemption to Thirty Days After the Passage of this Act; Repealing All Acts Inconsistent Herewith and Declaring an Emergency.

Also,

Senate Bill No. 69. A Bill for an Act to Amend and Re-enact Section 3585 of the Compiled Laws of 1913 Relating to the Qualifications of City Aldermen, Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Also,

Senate Bill No. 48. A Bill for an Act to Amend and Re-enact Section 1164 of the Compiled Laws of the State of North Dakota for 1913, Pertaining to the Duties of the Clerks of Common School Districts, and Declaring an Emergency, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Which the President has signed and your signature is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 15, 1937.

Mr. Speaker: I have the honor to return herewith the following bill:

House Bill No. 12. A Bill for an Act Making an Appropriation to Provide Funds for the Maintenance of the North Dakota National Guard or State Militia, as Provided for Under Chapter 35 of the Political Code of the Compiled Laws of North Dakota, for the Year 1913 and Amendments

There to, and to Meet Other Requirements Prescribed by the Federal Statutes.

Which the Senate has passed unchanged.

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### PETITIONS AND COMMUNICATIONS

A telegram signed by six citizens of Grand Forks urging passage of House Bill No. 193.

A petition signed by 98 residents of Fargo opposing passage of Concurrent Resolution "J" and of any legislation permitting increase in weight or length of commercial trucks, a decrease in fees on same, or permitting four-wheel trailers; also favoring the "shipper-owner" or private carrier bill and the "caravan" act.

A communication signed by Arthur E. Thompson, Superintendent of Public Instruction.

Senator Vinje moved that the communication be printed in the Journal, which motion prevailed.

#### DEPARTMENT OF PUBLIC INSTRUCTION

Arthur E. Thompson, Superintendent

Bismarck, North Dakota

February 15, 1937.

To the Honorable President of the Senate

and

The Honorable Speaker of the House of Representatives,

State of North Dakota.

Honorable Sir:

In view of what I consider recent misstatements appearing in the press and over the radio concerning the operation of the State Equalization Fund, I feel that justice to all concerned, and particularly to the school officers of the state, requires that you appoint a committee to look into the operation of this fund and make a report back to your body. These statements seem to hinge upon the distribution of moneys on the basis of need, and the direct charge is being made that school districts generally have misrepresented their financial condition in order to chisel on this fund. We do not feel that these statements are fair to the rank and file of school officers in the state.

Therefore, may I respectfully request that you appoint a special committee of three from your honorable body to examine the facts in connection with the alleged charges. You may be assured that the department will furnish every facility

possible to reach a fair conclusion in connection with these charges.

Respectfully yours,

DEPARTMENT OF PUBLIC INSTRUCTION,

ARTHUR E. THOMPSON,

Superintendent.

AET:n

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. 151. A Bill for an Act to Authorize, Regulate and Control the Transportation, Importation, Handling, Possession, Purchase, Sale and Dispensing of Alcohol and Alcoholic Beverages, as Now Defined by Law, in This State by Common Carriers, Providing for the Method of Taxing and Licensing Alcohol and Alcoholic Beverages When Handled and Sold by Common Carriers, and of Expending and Distributing the Revenues from Such Taxes and Licenses, and Providing Penalties for the Violation of This Act; and Declaring an Emergency.

Also,

Senate Bill No. 163. A Bill for an Act Providing for the Taxation of Gasoline Sold or Purchased for the Purpose of Operating and Propelling Airplanes and Aircraft, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Also,

Senate Bill No. 158. A Bill for an Act to Provide for the Attendance of Non-Resident Students at the Public Schools of This State; to Regulate the Terms of Their Admission; and to Permit the Payment by School Boards of Tuition, Transportation, Board and Lodging of Resident Students Attending Other Schools.

Also,

Senate Bill No. 176. A Bill for an Act to Amend and Re-enact Section 1370, Session Laws of 1911, Chapter 266, as Amended by Chapter 239, Session Laws of 1927.

Also,

Senate Bill No. 181. A Bill for an Act to Amend and Re-enact Section 4 of Chapter 193 of the 1933 Session Laws Relating to the Appointment of a Manager and Other Employees of the State Mill and Elevator.

Also,

Senate Bill No. 185. A Bill for an Act Appropriating the



Sum of One Thousand Two Hundred Forty Dollars and Fifty-one Cents (\$1,240.51) from the General Funds of the State of North Dakota to Compensate O. P. Shelstad for the Moneys Paid Out of His Own Funds for Necessary Expenses Incurred as State Dairy Commissioner, for the Payment of Which There was no Appropriation.

And find the same correctly engrossed.

WM. KROEBER,  
Chairman.

Senator Kroeber moved that the report be adopted, which motion prevailed, and the report was adopted.

#### REPORTS OF STANDING COMMITTEES

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 62,

Have had the same under consideration and recommend that the same be amended as follows:

In Section 14, in Sub-section (b), in line 10 in the bill as printed in the Journal (Monday, February 8, 1937), strike out the figures "\$50,000" and insert in lieu thereof the figures "\$10,000.00".

And when so amended recommend that same do pass.

B. W. LEMKE,  
Chairman.

Senator Lemke moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 76,

Have had the same under consideration and recommend that the same be amended as follows:

In line 18, strike out the figures "\$8,000.00" and insert in lieu thereof the figures "\$6,400.00".

In line 19, strike out the figures "192,000.00" and insert in lieu thereof the figures "193,600.00".

After the last line of the bill, add the following:

"Section 2. In addition to the amount herein appropriated, and in addition to the amount set forth in Section 7 of Chapter 125 of the Session Laws of 1933, the Highway Department is hereby authorized to transfer, and to have transferred annually from moneys allocated to the State Highway Department out of the Motor Vehicle Registration Fund, a sum to equal two percent (2%) of the total annual cost of construc-

tion, reconstruction, maintenance and all other work undertaken from Federal and State funds, to take care of administration costs of said Department.”

And when so amended recommend the same do pass.

B. W. LEMKE,  
Chairman.

Senator Lemke moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on State Affairs made the following report:

Mr. President: Your Committee on State Affairs to whom was referred Senate Bill No. 110, have had the same under consideration and recommend that the same be amended as follows:

In the heading of the original bill, insert the word “Senate” before the word “Bill”.

In the second line of the heading after the word “by”, insert the word “Senators”.

In the first line of the title before the beginning of the sentence, insert the word “For”.

And when so amended, recommend that the same do pass.

G. F. DREW,  
Chairman.

Senator Cain moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on State Affairs made the following report:

Mr. President: Your Committee on State Affairs to whom was referred Senate Bill No. 113, have had the same under consideration and recommend that the same be amended as follows:

In line 2 of the title of the printed bill, strike out the words “Or of refinancing and improving”.

In Section 2, line 16, strike out the words “Or the refinancing and improving”.

In Section 2, lines 18 and 19, strike out “All improvements, betterments, extensions, and replacements thereto, and”.

In Section 2, strike out all of sub-section F.

In Section 2, lines 44 and 45, strike out “Or to aid in financing the acquisition, construction or improving of an enterprise”.

In Section 2 after striking out sub-section F, re-letter the following sections to read in sequence, G to F, etc.

In Section 3, line 2, strike out “Or to refinance and improve”, and in lines 3 and 4, strike out “Or purposes”.

In Section 6, on page 6, beginning with line 9, strike out the following language: "The validity of the authorization and issuance of the refunding bonds shall not be dependant on or affected in any way by proceedings taken for the improving of any enterprise for the refinancing and improving of which the refunding bonds are to be issued, or by contracts made in connection with the improving of any such enterprise".

In Section 13, lines 9 and 10, strike out the following words "To finance the improving of the enterprise".

In Section 13, strike out all of sub-section (b), and re-letter the sub-sections c to b, and etc., so as to follow in sequence.

And when so amended recommend the same do pass.

G. F. DREW,  
Chairman.

Senator Fowler moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Drew moved that Senate Bill No. 113 be referred to the State Affairs Committee, which motion prevailed.

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 207, have had the same under consideration and recommend that the same be indefinitely postponed.

B. W. LEMKE,  
Chairman.

Senator Lemke moved that the report be adopted, which motion prevailed and the report was adopted.

At this time the committee report on Senate Bill No. 215, on which consideration had been deferred one legislative day, was read.

The question being on the adoption of the committee report, the report was adopted and Senate Bill No. 215 was indefinitely postponed.

The Committee on Public Safety made the following report:

Mr. President: Your Committee on Public Safety to whom was referred Senate Bill No. 217, have had the same under consideration and recommend that the same be indefinitely postponed.

A. C. NELSON (Barnes),  
Chairman.

Senator Nelson moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on State Affairs made the following report:

Mr. President: Your Committee on State Affairs to whom was referred Senate Bill No. 221, have had the same under consideration and recommend that the same be indefinitely postponed.

G. F. DREW,  
Chairman.

Senator Cain moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on State Affairs made the following report:

Mr. President: Your Committee on State Affairs to whom was referred Senate Bill No. 227, have had the same under consideration and recommend that the same be amended as follows:

In Section 2, page 2, line 1, of the original bill, strike out the following language: "No person shall be appointed to such Board who is now or for the past five years has been actively engaged in politics, held a political office, been a candidate for elective office, or who is now or has been an officer of any political club, party or organization".

In Section 10, page 4, line 6, strike out the following language: "No person who holds any elective position or is an officer of any political club, party or organization shall be eligible for employment".

And when so amended recommend the same do pass.

G. F. DREW,  
Chairman.

Senator Lynn moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 24, have had the same under consideration and recommend that the same do pass.

B. W. LEMKE,  
Chairman.

Senator Lemke moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom

was referred House Bill No. 25, have had the same under consideration and recommend that the same do pass.

B. W. LEMKE,  
Chairman.

Senator Lemke moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Education made the following report:

Mr. President: Your Committee on Education to whom was referred House Bill No. 29, have had the same under consideration and recommend that the same do pass.

C. W. FINE,  
Chairman.

Senator Vinje moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Education made the following report:

Mr. President: Your Committee on Education to whom was referred House Bill No. 37, have had the same under consideration and recommend that the same do pass.

C. W. FINE,  
Chairman.

Senator Streibel moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 47,

Have had the same under consideration and recommend that the same do pass.

B. W. LEMKE,  
Chairman.

Senator Lemke moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Education made the following report:

Mr. President: Your Committee on Education to whom was referred House Bill No. 104,

Have had the same under consideration and recommend that the same do pass.

C. W. FINE,  
Chairman.

Senator Lian moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Education made the following report:

Mr. President: Your Committee on Education to whom was referred House Bill No. 105,

Have had the same under consideration and recommend that the same do pass.

C. W. FINE,  
Chairman.

Senator Vinje moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Education made the following report:

Mr. President: Your Committee on Education to whom was referred House Bill No. 133,

Have had the same under consideration and recommend that the same be amended as follows:

On page 2 of the printed bill, between lines 31 and 32, insert line 31A, and add the following language:

"From 1 mile to 2 miles .....3c per day".

And when so amended recommend the same do pass.

C. W. FINE,  
Chairman.

Senator Lian moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Nelson of Barnes moved that Senate Bill No. 184 be re-referred to the Committee on Agriculture, which motion prevailed.

Senator Ettetstad requested an extension of time of Senate Bill No. 236, which request was granted.

Senator Strehlow moved that the Chair appoint a committee of three to confer with the Board of Administration relative to the ventilation of the Senate Chamber, which motion prevailed.

The Chair appointed the following committee: Senators Strehlow, Vinje and Greene.

Senator Watt requested that the record show that the conference committee on House Bills No. 40 and 42, being Senators Watt, Streibel and Williams, were excused from roll calls while attending to such conference duties, as it was misleading to those reading the Journals. The request was granted.

Senator Fredrickson moved that further consideration of Senate Bill No. 111 be deferred one legislative day, which motion prevailed.

## SECOND READING OF SENATE BILLS

Senate Bill No. 148. A Bill for an Act to Amend and Re-enact Chapter 94 of the Session Laws for the Year 1929, and Chapter 267 of the Session Laws for the Year 1935, Relat-

ing to the Custodian of the State Capitol and Grounds and Describing His Power, Duties and Appointing Such Custodian.

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, 32; nays, 15; absent and not voting, 2.

Those voting in the affirmative were:

<b>Messrs.</b>	<b>Messrs.</b>	<b>Messrs.</b>
Aasen	Fredrickson	Nelson, Grand Fks.
Bilden	Gilbertson	Stucke
Blaisdell	Gronvold	Thatcher
Brostuen	Guenther	Trout
Cain	Guthrie	Vinje
Coffey	Kolpin	Watt
Crandall	Kroeber	Whelan
Drew	Lavik	Williams
Ettestad	Lian	Wog
Fine	Lynn	Young
Fowler	Magoffin	

Those voting in the negative were:

<b>Messrs.</b>	<b>Messrs.</b>	<b>Messrs.</b>
Greene	Morrison	Skarvold
Johnson	Mutchler	Strehlow
Kamrath	Nelson, Barnes	Streibel
Lemke	Olson	Thorson
McGillic	Owings	Topp

Absent and not voting:

<b>Messrs.</b>	<b>Messrs.</b>
Hulteng	Lowe

So the bill passed and the title was agreed to.

Senator Cain moved that the vote by which Senate Bill No. 148 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

**MESSAGE TO THE HOUSE**

Senate Chamber,  
Bismarck, North Dakota,  
February 15, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bill.

Senate Bill No. 148. A Bill for an Act to Amend and Re-enact Chapter 94 of the Session Laws for the Year 1929, and Chapter 267 of the Session Laws for the Year 1935, Relating to the Custodian of the State Capitol and Grounds and

Describing His Power, Duties and Appointing Such Custodian.

Which the Senate has passed and your favorable consideration is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

SENATE CONCURRENT RESOLUTION "H."

Was read the second time.

Senator Thatcher moved that Senate Concurrent Resolution "H" be amended as follows:

Strike out the title and insert in lieu thereof the following:

"A Concurrent Resolution providing for the amendment of Article 48 of the Constitution of North Dakota."

In line 1 of the printed bill strike out the word and figures "Section 173 of".

In line 2 of the printed bill strike out the figures "10" and insert the figures "48".

In lines 2, 3, 4, and 5 strike out the following language: "as amended by article 41 of the amendments thereof, and as amended by Chapter 84 of the 1933 Session Laws of the State of North Dakota".

In line 1 of Section 1 of the printed bill, following the word "amendment", strike out the remainder of the paragraph, and insert in lieu thereof the following: "That Article 48 of the Constitution of the State of North Dakota is hereby amended and re-enacted to read as follows".

In line 12 of Section 1 of the printed bill strike out the comma, insert a period, and strike out the remainder of the sentence.

Which motion prevailed.

Senator Vinje moved that Senate Concurrent Resolution "H" be amended as follows:

On page 2 of the engrossed bill, line 5, strike out the word "fifteen" and insert the word "twelve".

Which motion prevailed.

Senator Fine moved that Senate Concurrent Resolution "H" be amended as follows:

On page 2 of the engrossed bill, line 7, strike out the word "registrar" and insert the word "register".

Which motion prevailed.

Senator Thatcher moved that the rules be suspended and that Senate Concurrent Resolution "H" be considered properly



re-engrossed, and placed upon Second Reading and Final Passage as amended, which motion prevailed.

**ROLL CALL**

The question being on the adoption of Senate Concurrent Resolution "H", as amended, the roll was called and there were ayes, 30; nays, 16; absent and not voting, 3.

Those voting in the affirmative were:

<b>Messrs.</b>	<b>Messrs.</b>	<b>Messrs.</b>
Aasen	Greene	Nelson, Grand Fks.
Bilden	Guenther	Owings
Blaisdell	Guthrie	Thatcher
Cain	Kolpin	Thorson
Coffey	Lavik	Trout
Crandall	Lian	Vinje
Drew	Lowe	Whelan
Fowler	Lynn	Williams
Fredrickson	Magoffin	Wog
Gilbertson	McGillic	Young

Those voting in the negative were:

<b>Messrs.</b>	<b>Messrs.</b>	<b>Messrs.</b>
Brostuen	Lemke	Skarvold
Ettestad	Morrison	Strehlow
Fine	Mutchler	Streibel
Gronvold	Nelson, Barnes	Topp
Johnson	Olson	Watt
Kamrath		

Absent and not voting:

<b>Messrs.</b>	<b>Messrs.</b>	<b>Messrs.</b>
Hulteng	Kroeber	Stucke

So the resolution was declared adopted.

Senator Kolpin moved that the vote by which Senate Concurrent Resolution "H" 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, North Dakota,  
February 15, 1937.

Mr. President: I have the honor to transmit herewith the following bills:

House Bill No. 10. A Bill for an Act Making an Appropriation for the Purpose of Paying Insurance Tax to the Various Fire Departments of the State, in Compliance With the Provisions of Sections 3993 to 3998, Inclusive, of the Compiled Laws of 1913.

Also,

House Bill No. 43. A Bill for an Act Making an Appro-

provision for the General Maintenance, a New Building, Equipment and Miscellaneous Expenses of the State Hospital for the Insane at Jamestown, North Dakota.

Also,

House Bill No. 142. A Bill for an Act Providing for the Establishment of Voting Precincts in All Special and Independent School Districts; Requiring Establishment of Polling Places for Each 5,000 Inhabitants; Providing for Appointment of Election Officials, Fixing Their Powers, Duties and Compensation and Repealing All Acts or Parts of Acts in Conflict Herewith.

Also,

House Bill No. 16. A Bill for an Act to Encourage the Investment of Capital in the State of North Dakota in Connection with the Business of Securing, Saving, Storing and Refining of Petroleum and Petroleum Products, and to Fix and Determine a method for the Finding and Fixing a Limitation on Valuations Thereof for the Purposes of Taxation.

Also,

House Bill No. 11. A Bill for an Act Making an Appropriation for Acquiring and Maintaining State Parks as Provided for in Chapter 216, Session Laws of 1935.

Also,

House Bill No. 3. A Bill for an Act Making an Appropriation for the Purpose of Paying Clerkhire and Miscellaneous General Expenses of the North Dakota Procurement Officer, as Provided by Chapter 219, Session Laws of 1935.

Also,

House Bill No. 41. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State School for the Blind at Bathgate, North Dakota.

Which the Speaker has signed and your signature is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck North Dakota,  
February 15, 1937.

Mr. President: I have the honor to transmit herewith the following bills:

Senate Bill No. 69. A Bill for an Act to Amend and Re-enact Section 3585 of the Compiled Laws of 1913 Relating to the Qualifications of City Aldermen, Repealing All Acts and

Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Also,

Senate Bill No. 48. A Bill for an Act to Amend and Re-enact Section 1164 of the Compiled Laws of the State of North Dakota for 1913, Pertaining to the Duties of the Clerks of Common School Districts, and Declaring an Emergency, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Also,

Senate Bill No. 83. A Bill for an Act Providing for Relief in Certain Cases During the Emergency Declared to Exist From Foreclosure of Mortgages or Other Liens on Real Estate, and Execution Sales of Real Estate, and Cancellation of Contracts for the Sale of Real Property, Eviction of Tenants from Real Estate, and for Postponing Certain Sales and Extending the Period of Redemption from Certain Sales, and Relating to the Jurisdiction and Procedure for Such Relief, and for the Right to Possession During the Extended Period, and Limiting the Right to Emergency Actions for Deficiency Judgment, and for Extending the Expiration of Certain Periods of Redemption to Thirty Days After the Passage of this Act; Repealing All Acts Inconsistent Herewith and Declaring an Emergency.

Which the Speaker has signed.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

## SECOND READING OF SENATE BILLS

Senate Bill No. 214. A Bill for an Act to Amend and Re-enact Section 3314a6 of the Supplement to the Compiled Laws of 1913, Providing that all Expenditures Must Conform to the County Budget as Adopted; Providing that no Bill Incurred in Excess of Any Budget Item May Be Paid or Included in Any Succeeding Appropriation or Budget, and Defining Duties of County Auditor.

Was read the second time.

Senator Johnson moved that Senate Bill No. 214 be amended as follows:

In line 14, page 2 of the printed bill, following the word "the" insert the following: "Supplement to the".

Which motion prevailed.

Senator McGillic moved that the rules be suspended and Senate Bill No. 214 be considered properly re-engrossed, and placed upon Second Reading and final passage as amended, which motion prevailed.

## ROLL CALL

The question being on the final passage of Senate Bill

No. 214, as amended, the roll was called and there were ayes, 42; nays, 6; absent and not voting 1.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Owings
Bilden	Kolpin	Skarvold
Blaisdell	Kroeber	Strehlow
Brostuen	Lavik	Streibel
Cain	Lemke	Stucke
Crandall	Lowe	Thatcher
Drew	Lynn	Thorson
Ettestad	Magoffin	Topp
Fine	McGillic	Trout
Fowler	Morrison	Watt
Gilbertson	Mutchler	Whelan
Greene	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Coffey	Gronvold	Lian
Fredrickson	Johnson	Vinje

Absent and not voting:

Messrs.  
Hulteng

So the bill passed and the title was agreed to.

Senate Bill No. 232. A Bill for an Act to Amend and Re-enact Section 959 of the Supplement to the Compiled Laws of 1913 Relating to Election Ballots.

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, 47; nays, 0; absent and not voting 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Owings
Bilden	Kamrath	Skarvold
Blaisdell	Kolpin	Strehlow
Brostuen	Kroeber	Streibel
Cain	Lavik	Stucke
Coffey	Lemke	Thatcher
Crandall	Lian	Thorson
Drew	Lowe	Topp
Ettestad	Lynn	Trout
Fine	Magoffin	Vinje
Fowler	McGillic	Watt
Fredrickson	Morrison	Whelan

Messrs.	Messrs.	Messrs.
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young
Guthrie	Olson	

Absent and not voting:

Messrs.	Messrs.
Gilbertson	Hulteng

So the bill passed and the title was agreed to.

Senator Lian moved that the Senate do now recess for 10 minutes, which motion prevailed.

The Senate reconvened pursuant to recess taken.

SENATE CONCURRENT RESOLUTION "P".

Was read the second time.

Senator Thatcher moved that Senate Concurrent Resolution "P" be amended as follows:

On page 2 of the printed bill, in line 12, strike out the word "five" and insert the word "three".

In line 13, page 2, strike out the words "in advance".

In line 15, page 2, following the word "date", strike out the comma and insert a period, and strike out the words: "and one year's interest in advance shall be paid on all moneys paid".

Which motion prevailed.

Senator Thatcher moved that the rules be suspended and that Senate Concurrent Resolution "P" be considered properly re-engrossed, and placed upon Second Reading and Final Passage, as amended, which motion prevailed.

ROLL CALL

The question being on the adoption of Senate Concurrent Resolution "P", as amended, the roll was called and there were ayes, 45; nays, 1; absent and not voting 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Kamrath	Owings
Blaisdell	Kolpin	Skarvold
Cain	Kroeber	Strehlow
Coffey	Lavik	Streibel
Crandall	Lemke	Stucke
Drew	Lian	Thatcher
Ettestad	Lowe	Thorson
Fine	Lynn	Topp
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Watt

Messrs.	Messrs.	Messrs.
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young

Those voting in the negative were:

Messrs.  
Brostuen

Absent and not voting:

Messrs.	Messrs.	Messrs.
Hulteng	Johnson	Trout

So the resolution was declared adopted.

SENATE CONCURRENT RESOLUTION "Q".

Was read the second time.

Senator Cain moved that further consideration of Senate Concurrent Resolution "Q" be indefinitely postponed.

Which motion prevailed.

Senator Watt moved that the vote by which Senate Concurrent Resolution "Q" was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SENATE CONCURRENT RESOLUTION "O," expressing assent of the Legislature of the State of North Dakota to the provisions and purposes of the Act approved June 29th, 1935. (Public No. 182—74th Congress.)

Was read the second time.

The question being on the adoption of Senate Concurrent Resolution "O," the resolution was adopted.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 128. A Bill for an Act Making an Appropriation for the Purpose of Paying the Salary of an Executive Director, Stenographic Employees and Miscellaneous General Expenses of the State Planning Board.

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, 28; nays, 20; absent and not voting, 1.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Gronvold	Lynn
Bilden	Guenther	McGillic
Cain	Guthrie	Nelson, Barnes

<b>Messrs.</b>	<b>Messrs.</b>	<b>Messrs.</b>
Coffey	Johnson	Nelson, Grand Fks.
Crandall	Kroeber	Strehlow
Drew	Lavik	Topp
Ettestad	Lemke	Trout
Fine	Lian	Whelan
Fowler	Lowe	Young
Fredrickson		

Those voting in the negative were:

<b>Messrs.</b>	<b>Messrs.</b>	<b>Messrs.</b>
Blaisdell	Morrison	Thatcher
Brostuen	Mutchler	Thorson
Gilbertson	Olson	Vinje
Greene	Owings	Watt
Kamrath	Skarvold	Williams
Kolpin	Streibel	Wog
Magoffin	Stucke	

Absent and not voting:

**Messrs.**  
Hulteng

So the bill passed and the title was agreed to.

Senate Bill No. 112. A Bill for an Act Simplifying the Procedure for the Construction and Financing of Public Works Projects by Municipalities, Enabling Municipalities to Make and Perform Contracts With Federal Agencies Relating to the Construction and Financing of Such Projects and Confering Additional Power Upon Municipalities; 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, 5; absent and not voting, 3.

Those voting in the affirmative were:

<b>Messrs.</b>	<b>Messrs.</b>	<b>Messrs.</b>
Aasen	Guthrie	Olson
Bilden	Johnson	Owings
Blaisdell	Kamrath	Skarvold
Cain	Kolpin	Strehlow
Coffey	Lavik	Streibel
Crandall	Lemke	Stucke
Drew	Lian	Thatcher
Fine	Lowe	Topp
Fowler	Lynn	Trout
Fredrickson	Magoffin	Vinje
Gilbertson	McGillic	Whelan
Greene	Mutchler	Wog
Gronvold	Nelson, Barnes	Young
Guenther	Nelson, Grand Fks.	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Brostuen	Kroeber	Thorson
Ettestad	Morrison	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Hulteng	Watt	Williams

So the bill passed, the title was agreed to, and the emergency clause was declared carried.

Senator McGillic moved that the vote by which Senate Bill No. 112 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 15, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bill:

Senate Bill No. 112. A Bill for an Act Simplifying the Procedure for the Construction and Financing of Public Works Projects by Municipalities, Enabling Municipalities to Make and Perform Contracts With Federal Agencies Relating to the Construction and Financing of Such Projects and Conferring Additional Power Upon Municipalities; and Declaring an Emergency.

Which the Senate has passed and your favorable consideration is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 158. A Bill for an Act to Provide for the Attendance of Non-Resident Students at the Public Schools of This State; to Regulate the Terms of Their Admission; and to Permit the Payment by School Boards of Tuition, Transportation, Board and Lodging of Resident Students Attending Other Schools.

Was read the second time.

Senator Fowler moved that Senate Bill No. 158 be amended as follows:

In Section 4, line 4 of the printed bill, after the word "schools" insert the words "or where satisfactory arrangements have not been made for the payment of tuition".

Which motion prevailed.



Senator Thorson moved that Senate Bill No. 158 be amended as follows:

Following the word "tuition" in the amendment just adopted, in Section 4, line 4, add the words "or transportation".

Which motion was lost.

Senator Fine moved that the rules be suspended and Senate Bill No. 158 be considered properly re-engrossed, and placed upon Second Reading and Final Passage as amended, 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, 46; nays, 1; absent and not voting 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Owings
Bilden	Kamrath	Skarvold
Blaisdell	Kroeber	Strehlow
Brostuen	Lavik	Streibel
Cain	Lemke	Stucke
Crandall	Lian	Thatcher
Drew	Lowe	Thorson
Ettestad	Lynn	Topp
Fine	Magoffin	Trout
Fowler	McGillic	Vinje
Fredrickson	Morrison	Watt
Gilbertson	Mutchler	Whelan
Greene	Nelson, Barnes	Williams
Gronvold	Nelson, Grand Fks.	Wog
Guenther	Olson	Young
Guthrie		

Those voting in the negative were:

Messrs.  
Coffey

Absent and not voting:

Messrs.	Messrs.
Hulteng	Kolpin

So the bill passed and the title was agreed to.

Senate Bill No. 167. A Bill for an Act to Amend and Re-enact Section 1 of Chapter 236 of the Session Laws of the State of North Dakota for the Year 1933, Relating to Common School Transportation; and Declaring an Emergency.

Was read the second time.

Senator Blaisdell moved that further consideration of Senate Bill No. 167 be indefinitely postponed, which motion lost.

Senator Fine requested that further consideration of Senate Bill No. 167 be deferred for a short time, which request was granted.

Senator Whelan moved that Senate Resolution "O" relative to investigation of bond transactions, be printed in the Journal in the appropriate place, which motion prevailed.

Senate Bill No. 168. A Bill for an Act to Create, Define and Establish "Airmen's Association of the State of North Dakota," Providing for the Creation of a Fund for the Use of Said Association to be Known as "Airmen's Aviation Fund."

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, 1; absent and not voting 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Owings
Bilden	Kamrath	Skarvold
Blaisdell	Kolpin	Strehlow
Brostuen	Kroeber	Streibel
Cain	Lavik	Stucke
Coffey	Lemke	Thatcher
Drew	Lian	Thorson
Ettestad	Lowe	Topp
Fine	Lynn	Trout
Fowler	Magoffin	Vinje
Fredrickson	Morrison	Watt
Gilbertson	Mutchler	Whelan
Greene	Nelson, Barnes	Williams
Gronvold	Nelson, Grand Fks.	Wog
Guenther	Olson	Young
Guthrie		

Those voting in the negative were:

Messrs.  
Crandall

Absent and not voting:

Messrs. Hulteng  
Messrs. McGillic

So the bill passed and the title was agreed to.

Senate Bill No. 196. A Bill for an Act to Amend Section 6 of Chapter 85 of the Session Laws for the Year 1929, Relating to the Licensing of Airmen and Aircraft; Making Violation Thereof a Misdemeanor, and Providing the Penalty Therefor; Repealing All Acts or Parts of Acts in Conflict Herewith; and Declaring This Act to Be an Emergency Measure.

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, 47; nays, 0; absent and not voting 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Owings
Bilden	Johnson	Skarvold
Blaisdell	Kamrath	Strehlow
Brostuen	Kolpin	Streibel
Cain	Kroeber	Stucke
Coffey	Lavik	Thatcher
Crandall	Lemke	Thorson
Drew	Lian	Topp
Ettestad	Lowe	Trout
Fine	Lynn	Vinje
Fowler	Magoffin	Watt
Fredrickson	Morrison	Whelan
Gilbertson	Mutchler	Williams
Greene	Nelson, Barnes	Wog
Gronvold	Nelson, Grand Fks.	Young
Guenther	Olson	

Absent and not voting:

Messrs.	Messrs.
Hulteng	McGillic

So the bill passed, the title was agreed to, and the emergency clause was declared carried.

The Senate resumed consideration of Senate Bill No. 167.

Senate Bill No. 167. A Bill for an Act to Amend and Re-enact Section 1 of Chapter 236 of the Session Laws of the State of North Dakota for the Year 1933, Relating to Common School Transportation; 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, 12; absent and not voting 1.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Nelson, Grand Fks.
Brostuen	Johnson	Owings
Cain	Kamrath	Skarvold
Coffey	Kolpin	Strehlow
Crandall	Kroeber	Streibel
Drew	Lemke	Stucke
Ettestad	Lian	Thorson
Fine	Lynn	Trout
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Watt

Messrs.	Messrs.	Messrs.
Gilbertson	Morrison	Williams
Gronvold	Mutchler	Wog

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Bilden	Lavik	Thatcher
Blaisdell	Lowe	Topp
Greene	Nelson, Barnes	Whelan
Guenther	Olson	Young

Absent and not voting:

Messrs.  
Hulteng

So the bill passed, the title was agreed to, and the emergency clause was declared carried.

Senator Fine requested that the Senate return to the Seventh Order of Business, which motion prevailed.

Senator Fine moved that the Courtesies of the Floor be extended to former Senator E. E. Greene of Stutsman County, which motion prevailed.

Senate Bill No. 216. A Bill for an Act to Repeal Chapter 255 of the Session Laws of 1931, Relating to Teachers Oath or Affirmation to Be Taken and Subscribed to by Professors, Instructors and Teachers in Public Schools, Colleges and Universities of this State.

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, 29; nays, 18; absent and not voting 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Lavik	Skarvold
Brostuen	Lemke	Streibel
Cain	Lian	Stucke
Drew	Lynn	Thatcher
Ettestad	Morrison	Thorson
Fine	Mutchler	Trout
Greene	Nelson, Barnes	Vinje
Johnson	Nelson, Grand Fks.	Williams
Kamrath	Olson	Wog
Kolpin	Owings	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Gilbertson	Magoffin
Blaisdell	Gronvold	Strehlow
Coffey	Guenther	Topp
Crandall	Guthrie	Watt

Messrs.  
Fowler  
Fredrickson

Messrs.  
Kroeber  
Lowe

Messrs.  
Whelan  
Young

Absent and not voting:

Messrs.  
Hulteng

Messrs.  
McGillic

So the bill passed and the title was agreed to.

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. 195. A Bill for an Act to Rid the State of a Public Nuisance, Namely Irresponsible Collectors or Collection Agencies who Themselves are Operating Without Sufficient Funds and Who are Unable to Pay their Own Obligations, Yet Who Continually Persist in Cluttering Up the Courts With Garnishment and Attachment Actions, Causing Many Worthy Individuals with Large Families to Support, to Lose Their Jobs by Useless Litigation.

Also,

Senate Bill No. 179. A Bill for an Act to Provide for the Conservation, Protection, Improvement and Profitable Use of Agricultural Land Resources of the State of North Dakota and for Co-operation with the Governments and Agencies of Other States and of the United States Pursuant to the Provisions of Section 7 of an Act of the Congress of the United States Known as the Soil Conservation and Domestic Allotment Act, to Assent to and Accept the Provisions of Said Act; and, in Conformity With the Provisions of Said Act, to Designate and Authorize the North Dakota Agricultural College, Extension Service as the State Agency of This State in Conformity With Such Provisions, to Formulate, Submit to the Secretary of Agriculture of the United States, and Administer, State Plans to Carry Out the Provisions of This Act, to Define the Powers and Duties of Said State Agency, to Provide for State Committee and Otherwise to Provide for the Administration of This Act.

Also,

Senate Bill No. 66. A Bill for an Act to Regulate the Operation of Pharmacies, Require the Obtaining of Permit Therefor, Prescribing Certain Requirements with Respect Thereto, Providing for Rules and Regulations to Be Formu-

lated by the North Dakota Board of Pharmacy; and Prescribing Penalties for Violation Thereof.

And find the same correctly engrossed.

WILLIAN KROEBER,  
Chairman.

Senator Kroeber moved that the report be adopted, which motion prevailed, and the report was adopted.

Senator Wog moved that the reading of the amendments to Senate Bills No. 79, 120 and 24 be dispensed with and that they be printed in the Journal and action upon the committee reports deferred two days.

Which motion prevailed.

The Committee on Highways made the following report:

Mr. President: Your Committee on Highways to whom was referred Senate Bill No. 24,

Have had the same under consideration and recommend that the same be amended as follows:

1.

Page 2, Chapter 1, Article 1, Section 2, Subdivision B, line 5, after the heading "MOTOR VEHICLE" strike out the entire definition as contained in lines 5, 6, 7 and 8, and substitute therefor the following: "shall mean any automobile, motor bus, truck, truck-tractor, trailer, semi-trailer, or any self-propelled or motor driven vehicle used upon any public highway of this State for the purpose of transporting persons and/or property."

2.

Page 3, Section 3, after Subsection C add two new subsections as follows:

"(d) Motor Truck.) Every motor vehicle designed or used principally for carrying things other than passengers."

"(e) Passenger Vehicle.) Every motor vehicle designed or used principally for carrying passengers."

3.

Page 6, Section 12, line 1, after the heading "Person" strike out the definition thereof and substitute the following:

"The term 'person' shall mean and include any natural person, firm, corporation, co-partnership, company, association, joint stock company, or the lessee, trustee or receiver or trustee appointed by any court for any one of the foregoing."

## 4.

Page 7, Section 14, Subsection B, line 7, after the heading "TRANSPORTER" strike out the definition thereof and include the following:

"The term 'caravanning of motor vehicles' shall mean the operation of any motor vehicle on its own wheels for the purpose of delivering the same upon a sale already made, or for the purpose of selling or offering such vehicle for sale to any person, or for the purpose of delivering the same to any agent of dealer for sale by such person, or the transportation by such motor vehicle over the public highways of this State of a motor vehicle to be delivered upon a sale of said transported motor vehicle for sale to any person, or for the purpose of delivering the same to any agent or dealer for sale by such person."

## 5.

Page 11, line 1, strike out Section 18 (a), and on page 12, line 9, strike out Subsection (b). This Bill does not cover commercial, passenger, or freighting and these two definitions should not be in it. Same is property covered by Senate Bill No. 79.

## 6.

Page 11, line 39, after the letter "a", strike out the word "tabliabue" and substitute in lieu thereof the word "tagliabue".

## 7.

Page 14, Section 20, line 2, after the word "appoint" and before the word "such" insert the following: "and may by written order delegate any of his powers and duties under this Act to".

## 8.

Page 43, Section 58, line 2, after the word "vehicle" and before the word "may" strike out the following: "dependent solely upon possession".

## 9.

Page 45, Section 64, line 3, after the word "employed", and before the word "in", insert the following: "other than harvest hands".

Page 45, Section 64, line 3, after the word "days", cross out the comma and insert in lieu thereof the following: "in any one year,".

## 10.

Page 46, Section 65, line 5, after the word "foreign", and before the word "may", strike out the word "vehicles", and insert in lieu thereof the following: "trucks, truck-tractors, semi-trailers, and trailers".

## 11.

Page 47, Article 6, strike out the heading of said Article and insert the following: "ISSUANCE OF SPECIAL PLATES OR PERMITS TO DEALERS".

Page 47, Section 66, line 5, after the word "of" and before the word "testing" strike out the word "transporting".

Page 47, Section 66, line 10, Subsection (b), strike out the entire Subsection (b).

Page 47, line 14, Section 66, change the letter Subsection (c) to Subsection (b).

## 12.

Page 48, line 21, Subsection (d) strike out said entire Subsection (d).

## 13.

Page 62, Article 10, Section 89, line 1, strike out the heading and change it to read as follows: "REGISTRATION FEES".

## 14.

Page 62, Article 10, Section 89, line 4, after the word "vehicles" and before the word "trailer" insert the following: "motor trucks, motor busses".

## 15.

Page 62, line 4, after the word "vehicles, and before the word "semi-trailers" strike out the word "trailer" and insert in lieu thereof the word "trailers".

## 16.

Page 63, line 5, after the word "tractors" and before the word "and" strike out the words "transporter's permits".

## 17.

Page 63, line 10, after the word "hearses", and before the word "and", insert a comma and the words "motor busses".

## 18.

Page 63, line 12, after the word "manufacturer's" and before the word "weight", insert the word "advertised".

## 19.

Page 63, line 13, after the word "follows", change the colon to a semicolon and add the following: "and in the absence of manufacturer's advertised weight, the fee shall be based on the actual weight as determined by the department".

## 20.

Page 63, line 14, Subsection (a), after the word "CARS" in the title, add the following:

"BUSSES, AMBULANCES AND HEARSEES".



## 21.

Page 64, line 31, after the word "the" and before the word "for", strike out the word "basic fee" and insert in lieu thereof the following: "fee of the previous year".

## 22.

Page 64, lines 33 and 34, after the word "on" and before the word "shall", strike out the following: "commercially operated passenger vehicles" and insert in lieu thereof the following: "busses, ambulances and hearses".

## 23.

Page 64, line 35, after the word "original" and before the word "fee", strike out the word "basis" and insert in lieu thereof the word "basic".

## 24.

Page 64, line 36, Subsection (b), after the letter "(b)" and before the word "trucks", insert the word "MOTOR". In the same line, after the word "truck" and before the word "the" include the words "and truck-tractor".

## 25.

Page 64, line 38, after the word "schedule", change the colon to a semi-colon, and add the following: "provided, further, that any truck not having an advertised load capacity shall pay a license fee in accordance with the schedule herein provided and applicable thereto upon its load capacity as determined by the Department".

## 26.

Page 64, line 52, after the word "on" and before the word "trucks", insert the word "all".

Page 64, line 52, after the word "trucks" and before the word "shall" strike out the words "of an advertised load capacity of one and one-half (1½) tons or less".

## 27.

Page 65, line 62, after the word "highways" and before the word "for", insert the following: "for gain".

## 28.

Page 65, line 54, after the word "the" and before the word "until", strike out the words "basic fee" and insert in lieu thereof the words "fee of the previous year".

## 29.

Page 65, line 55, after the word "equals" and before the word "which", strike out the words "Three Dollars" and insert in lieu thereof the words "one-half of the original basic fee".

30.

Page 65, line 56, after the word "after" strike out the following:

"Provided, however, that trucks of two or more tons advertised load capacity for subsequent years shall carry a ten per cent reduction from the basic fee until the fee equals one-half of the basic or original fee and thereafter there shall be no further reduction".

31.

Page 66, line 77, after the word "the" and before the word "advertised", insert the word "manufacturer's".

Page 66, line 77, after the word "or" and before the word "shall", strike out the word "as" and insert in lieu thereof the following: "in the absence of such".

32.

Page 66, line 84, after the word "or" and before the word "shall", strike out the word "as" and insert in lieu thereof the following: "in the absence of such".

33.

Page 66, between lines 90 and 91, insert the following: "except when such trailers and semi-trailers are used exclusively for agricultural purposes, then there shall be a flat One Dollar (\$1.00) fee".

34.

Page 66, Subsection (g), line 94, strike out all of lines 94, 95, 96, 97, 98, and 99.

35.

Page 66, line 100, change the Subsection from "h" to "(g)".

36.

Page 67, line 115, change the Subsection "(i)" to "(h)".

37.

Page 68, line 18, after the word "annual" and before the word "license" strike out the word "additional".

Page 68, line 18, after the word "herein" and before the word "and" in line 19, strike out the following: "and one-half of the regular weight fee".

38.

Page 70, line 7, strike out the whole line and insert in lieu thereof the following: "Eleven Dollars and fifty cents (\$11.50) in any one calendar year".

39.

Page 79, Section 110, line 2, strike out everything following the title of Section 110, to the end of line 29 on page 81, and insert in lieu thereof the following:

“(a) The department shall examine every applicant for an operator’s or chauffeur’s license, except as otherwise provided in this section. Such examination shall be held in the county where the applicant resides within not more than thirty days from the date application is made. It shall include a test of the applicant’s eyesight, his ability to read and understand highway signs regulating, warning, and directing traffic, his knowledge of the traffic laws of this State, and shall include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle.

“(b) The department shall issue without examination an operator’s license to any person applying therefor who furnishes evidence satisfactory to the department that he is not disqualified under the provisions of this act and that he has previously operated a motor vehicle in a satisfactory manner for a period of not less than one year.”

40.

Page 83, Section 116, line 4, after the word “alphabetical” and before the word “order” insert the following: “and/or numerical”.

41.

Page 84, after line 22 and before line 1, insert a new Subsection as follows:

“(d) The Highway Department shall furnish to each sheriff in this State, on or before the 10th day of the month, a list of the names and addresses of all persons who have made application for drivers’ licenses during the preceding month.”

42.

Page 84, line 22, after the word “least” and before the word “years” cross out the word “two” and substitute in lieu thereof the word “ten”.

43.

Page 85, Section 118, line 9, after the period following the word “Act” strike out the balance of line 9, starting with the word “The” and strike out, also, lines 10, 11, 12, 13, 14, 15, to and including the semi-colon following the word “thereto” in line 15, and change said semi-colon to a period and capitalize the word “the” in line 15 after said semi-colon.

44.

Page 85, line 17, after the period following the word “State” include the following:

“Any balances remaining in the “Patrol Fund” at the end of each calendar year beyond that required to administer this Act shall be transferred to the State Highway Department”.

45.

Page 95, Section 137, line 1, strike out the entire Section, including the title. Said Section ending on page 97, line 36.

46.

Page 119, line 1, Section 174, strike out the title and the entire section, including Subsections (a), (b), and (c).

47.

Page 137, Subdivision (b), line 10, after the word "height" and before the period in line 12, strike out the words "which shall be self-illuminated at night or, if not, shall be provided with reflector buttons".

48.

Page 149, line 26, Section 2, after the number "3" strike out the word "green" and insert the word "amber" in lieu thereof.

49.

Page 149, line 37, after the word "display" strike out the word "green" and insert in lieu thereof the word "amber".

50.

Page 172, Section 256, line 5, before the word "on" strike out the word "fenders" and insert in lieu thereof the following: "most protruding fender".

51.

Page 175, Section 261, line 1, strike out the title "WHEEL AND AXLE LOADS", and insert in lieu thereof the following title: "WHEEL, AXLE LOADS AND GROSS LOADS".

52.

Page 175, Section 261, after the period following the word "pounds" in line 15, insert a new Section number three, as follows:

"Subject to the limitation prescribed above, the gross weight of any vehicle or combination of vehicles shall not exceed forty thousand pounds (40,000)".

53.

Page 176, Section 262, line 1, strike out the heading "GROSS WEIGHT OF VEHICLES AND LOADS" and substitute in lieu thereof the following: "SAFETY REQUIREMENTS".

54.

Page 176, Section 262, line 2, Subsection (a), strike out said entire Subsection (a), lines 2 to 15 inclusive.

55.

Page 176, Section 262, line 16, change Subsection "(b)" to read Subsection "(a)".

## 56.

Page 177, line 32, change Subsection "(c)" to read Subsection "(b)".

## 57.

Page 190, line 11, after the words "Chapter 177" and before the word "of" add the following: "and 181".

## 58.

Page 190, line 19, after the semi-colon following the word "Laws" and before the figures "163" cross out the word "Chapter" and insert thereof the word "Chapter".

## 59.

Page 191, following line 26, insert a new section as follows:

"Section 282. Time of Taking Effect. This Act shall take effect from and after the first day of July, 1937, except the provisions of Article X of Chapter I, which shall take effect from and after the first day of January, 1938."

GUST WOG,  
Chairman.

The Committee on Highways made the following report:

Mr. President: Your Committee on Highways to whom was referred Senate Bill No. 120, have had the same under consideration and recommend that the same be amended as follows:

## 1.

In the title of the Bill, third line from the bottom, after the word "and", and before the word "chapter", insert the following: "Chapter 181 and".

## 2.

Page 2, line 24, after the word "equipment" and before the word "any" strike out the word "of" and insert the word "or".

## 3.

Page 3, Article II. Sec. 3. Strike out all of subsection "A" and substitute in lieu thereof the following:

"The term, "common motor carrier of property" shall mean any person who holds out to the public as willing to undertake for compensation to transport the property of others who may choose to employ him by motor vehicle, under two classes as follows: (1) Class "A" Motor transportation carrier shall embrace all motor transportation carriers of property operating between fixed termini over a regular route upon a regular schedule at regular rates or charges based upon station to station rates, or upon a mileage rate or scale or a combination of both, provided that nothing herein shall be construed as prohibiting a class "A" carrier from publishing, maintaining, charging and collecting rates

at competitive points the same as published, maintained, charged and collected by other carriers. (2) Special motor transportation carriers shall embrace all motor transportation carriers of property over irregular routes and or territories in load lots and under regular rates and charges made for each vehicle on a mileage or hourly basis or both, but not operating between fixed termini or over a regular route."

## 4.

Page 4, Section 3, line 22, after the word "tion", insert the following:

"Provided that no Class "A" Common Carrier of passengers shall be restricted from transporting the baggage of each passenger; or transporting express packages weighing not to exceed 100 lbs. each; and provided that no "Special" Common Carrier of Passengers shall be restricted from transporting the baggage of each passenger."

## 5.

Page 4, Section 4, line 10, after the word "common" and before the word "carrier", insert the following: "or contract".

Page 4, Section 4, line 11, after the word "certificate" and before the word "to", insert the following: "or permit".

Page 4, Section 4, line 14, after the word "common" and before the word "Carrier", insert the following, "or contract."

## 6.

Page 4, line 17, under Section 3, after the word "on", and before the word "schedule", strike out the word "fixed" and substitute in lieu thereof the word "regular".

## 7.

Page 5, line 20, after the word "any" and before the word "thereof", strike out the word "party" and insert therein in lieu thereof, the word "part".

## 8.

Page 6, line 5, of Subsection (a), after the word "carrier" and before the word "of" insert the following: "or private carrier".

## 9.

Page 6, line 5, subsection (a), after the word "herein" and before the word "defined", strike out the word "Before."

## 10.

Page 6, Section 7, line 9. After the word "common" and before the word "carrier" insert the following: "or contract".

Page 6, Section 7, line 13. After the word "common" and before the word "carrier", insert the following "or contract".

Page 6, Section 7, line 10. After the word "certificate", add the following "or permit".

11.

Page 7, line 25, after the word "sought", strike out the following: "will not impair the efficient public service of any authorized common carrier or common carriers then adequately serving the same territory".

Insert in lieu thereof the following: "is consistent with the public interest."

12.

Page 9, Section 11, line 2, after the word "person" and before the word "engaged" insert the following: "not included in the term common carrier and or contract carrier".

13.

Page 12, line 6 of Section 19, after the word "when", and before the word "vehicles" insert the word "such".

14.

Page 13, line 32, after the word "between" and before the word "the" insert the following: "one farm and another farm and between".

15.

Page 14, Section 22, line 1, strike out the entire section after the title and insert in lieu thereof, the following:

"The commission may at any time, for good cause, upon notice given by registered mail not less than fifteen days to any operator under its jurisdiction, and after due hearing and investigation, at which the said operator has been given an opportunity to be heard, suspend, amend, or revoke any authority held by such operator."

16.

Page 14, line 2 of Section 23, after the word "to" and before the word "carriers" insert the word "motor".

17.

Page 15, Section 24, line 1. Strike out the entire Section 24 after the title and substitute in lieu thereof the following:

"No person shall be granted a permit as a contract carrier authorizing operation for the transportation of property by motor vehicle over the same route as a Class 'A' Common Carrier route unless for good cause shown the Commission shall find that such certificate and permit may be held consistently with the public interest, and the Commission may impose such conditions and limitations in the certificate granted or the permit granted as it may deem to be of public interest. No person shall at the same time operate as a private carrier under this act and hold or be granted a permit as a contract carrier and or a certificate as a common carrier."

18.

Page 16, line 13, under Section 25. After the word "carriers" and before the word "by", insert the following: "and/or connecting carriers".

19.

Page 16, line 7, under Section 26. After the word "of" and before the word "not" in line 8, strike out the following: "not less than ten dollars (\$10.00) and"

20.

Page 16, line 12, under Section 26. After the word "vehicle" and before the word "in", insert the following: "and any further information thereon".

21.

Page 17, Section 27, line 10. After the word "transact" change the period to a comma and add the following: "provided that any balance in said auto transportation fund in excess of fifteen thousand dollars (\$15,000) during the 1937 to 1939 Biennium shall be transferred by the State Treasurer to the highway fund on April 1, July 1, October 1, and January 1."

22.

Page 18, line 12 of Section 31, after the word "thereof" and before the word "shall", insert the following: "and any rate or rates or tariff on file with the Commission".

23.

Page 20, line 6 of Section 36, after the word "operations" and before the word "authorized" insert the word "now".

24.

Page 21, line 8, of Section 38, after the word "and", and before the word "Chapter" insert the following: "Chapter 181 and".

25.

Page 5, line 26, after the period following the word "denied", add the following:

"In determining whether or not a certificate should be issued, the Commission shall give reasonable consideration to the transportation service being furnished or that could be furnished by the existing common carriers operating under this Act. The Commission shall avoid so far as possible, consistent with public interest, the duplication of transportation service."

GUST WOG,  
Chairman.

The Committee on Highways made the following report:

Mr. President: Your Committee on Highways to whom



was referred Senate Bill No. 79, have had the same under consideration and recommend that the same be amended as follows:

## 1.

In the title of this bill, substitute for the wording now set out, the following complete title:

"For an Act Providing for the Regulation, Supervision and Control of the Transportation of Persons and Property by Motor Vehicles Upon the Public Highways of This State, and Prescribing Compensation to Be Paid for the Unusual Use of Such Highways, and Providing for the Disposition of Funds Derived Hereunder, and Providing for the Administration Hereof, and for Penalties for Violations Thereof, Repealing Chapter 179 of the 1927 Session Laws, Title V, Section 25, Subsection c, d, e, f as amended by Chapter 186 of the 1931 Session Laws, Section 25, Subdivision c, d, e, f as amended by Chapter 160 of the 1933 Session Laws, Section 25, Subdivision c, as amended by Chapter 180 of the 1935 Session Laws, Section 25, Subdivision c; Chapter 167 of the 1929 Session Laws, Section 19, Subdivision a, b, and c; Chapter 162 of the 1933 Session Laws; Chapter 161 of the 1933 Session Laws; Chapter 186 of the 1935 Session Laws; Chapter 187 of the 1935 Session Laws; Chapter 181 of the 1935 Session Laws; Chapter 184 of the 1935 Session Laws; and all other Acts or parts of Acts in conflict with this Act are hereby repealed; and declaring an emergency".

## 2.

Page 3, line 38, after the word "enterprise" and before the word "providing", insert the following: "or property transported by the owner, lessee or bailee for the purpose of lease, rent or bailment, or in the transporting of supplies, equipment or any other property not herein enumerated, used in the furtherance of any private industry or enterprise;"

## 3.

Page 4, line 54, take out the comma after the word "hotel" and before the word "passenger".

## 4.

Page 5, line 69, after the word "between" and before the word "the", insert the following: "one farm and another farm and between".

## 5.

Page 5, line 75, take out the word "or" and insert a comma after the word "road" and before the word "highway"; and after the word "highway", add the words: "or public dam".

## 6.

Page 6, line 25, after the word "load" and before the word "in", insert the word "not".

7.

Page 8, line 15, after the word "this" and before the word "required", add the word "Act".

8.

Page 8, line 25, after the word "figures" and before the word "and", add the following: "or by some definite character".

9.

Page 9, line 39, after the word "Fund", change the semicolon to a period and capitalize the word "any" that follows said period.

10.

Page 10, line 24, after the words "Class Eight" and before the figure "\$5.00", insert the following: "\$70.00 per year plus", and after the figure "\$5.00" and before the word "for", insert the words "per year".

11.

Page 11, lines 51 and 52, after the word "temporary" in line 51 and before the word "for" in line 52, strike out the words "permit or license" and substitute therefor the word "authorization".

12.

Page 11, line 56, before the word "any", strike out the words "five such permits shall during" and substitute in lieu thereof the following: "one such authorization shall every three months of".

13.

Page 12, line 68, after the word "each" and before the word "issued", strike out the word "permit" and insert in lieu thereof the word "authorization".

14.

Page 12, line 74, after the word "property" and before the word "may", insert the following: "and/or passengers".

15.

Page 13, line 7, strike out after the figures "\$15,000" and before the word "during" in line 8 the following: "on the dates of April 1, July 1, October 1, and January 1".

16.

Page 13, line 10, after the word "fund", change the period to a comma and add the following: "on the dates of April 1, July 1, October 1, and January 1".

17.

Page 15, line 1, put in title to Section 11, as follows:  
"Prosecution of Violations".

18.

Page 14, line 15: After the comma following the figures "\$100.00" and before the word "and" in line 16 add the following words: "or by imprisonment in the county jail not to exceed thirty days (30) or both such fine and imprisonment."

19.

Page 16, line 1: Strike out all of Section 13 after the word "REPEAL" and insert in lieu thereof the following:

"Chapter 179 of the 1927 Session Laws, Title V, Section 25, Subsection c, d, e, f as amended by Chapter 186 of the 1931 Session Laws, Section 25, Subdivision c, d, e, f as amended by Chapter 160 of the 1933 Session Laws, Section 25, Subdivision c, as amended by Chapter 180 of the 1935 Session Laws, Section 25, Subdivision c; Chapter 167 of the 1929 Session Laws, Section 19, Subdivision a, b, and c; Chapter 162 of the 1933 Session Laws; Chapter 161 of the 1933 Session Laws; Chapter 186 of the 1935 Session Laws Chapter 187 of the 1935 Session Laws; Chapter 181 of the 1935 Session Laws; Chapter 184 of the 1935 Session Laws; and all other Acts or parts of Acts in conflict with this Act are hereby repealed."

20.

Add a new section No. 14 as follows:

"An emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval."

GUST WOG,  
Chairman.

Senator Blaisdell moved that House Bill No. 79 be placed at the foot of the calendar.

Which motion prevailed.

Senator Johnson moved that the Senate reconsider the vote by which Senate Bill No. 216 was passed and that the motion to reconsider be laid on the table, which motion prevailed.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 15, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bill:

Senate Bill No. 216. A Bill for an Act to Repeal Chapter 255 of the Session Laws of 1931, Relating to Teachers Oath or Affirmation to Be Taken and Subscribed to by Professors, Instructors and Teachers in Public Schools, Colleges and Universities of this State.

Which the Senate has passed and your favorable consideration is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

## FIRST READING OF HOUSE BILLS

House Bill No. 196. A Bill for an Act to Amend and Re-enact Section 189c14 of the Supplement to the Compiled Laws of 1913 as Amended and Re-enacted by Section 12 of Chapter 153 Session Laws of 1935 Relating to Collection of Premiums for Fire and Tornado Insurance on Public Buildings and Investment by the State Treasurer, and Declaring an Emergency.

Was read the first time and referred to the Committee on Insurance.

House Bill No. 208. A Bill for an Act Providing for the Payment and Cancellation of Personal Property Taxes Assessed and Levied for the Year 1935 and All Prior Years; Fixing the Amount to Be Paid and Providing for Cancellation of Interest and Penalties and Partial Cancellation of the Original Amount of Such Taxes.

Was read the first time and referred to the Committee on Taxes and Tax Laws.

House Bill No. 221. A Bill for an Act Permitting and Authorizing the Adoption of Civil Service by Cities Having a Population in Excess of 4,000 According to the Latest Official Census, Federal or State; Providing for Such Adoption by Passage or Ordinance; When Not so Adopted, by Proceeding by Petition and Election Based Thereon; Providing for Abolishing Such Civil Service After Adoption by Vote of Electors; Prescribing Procedure With Respect Thereto; and Penalties for Violations Hereof.

Was read the first time and referred to the Committee on Corporations.

House Bill No. 109. A Bill for an Act to Amend and Re-enact Sections 2568, 2569 and 2570, of the Compiled Laws of North Dakota for 1913, Providing for the Liability and the Expenses for the Insane, Declaring Responsibility of the County and of the State; Providing for the Duties of the Superintendent of the State Hospital for the Insane with Reference Thereto, Repealing All Acts in Conflict Therewith and Declaring an Emergency.

Was read the first time and referred to the Committee on Public Health.

House Bill No. 126. A Bill for an Act to Provide for the Transfer of All Moneys Derived From Special Taxes on Motor Vehicle Transportation, Which Are Now Remaining Inactive in Special Funds to the Department of State Highways.

Was read the first time and referred to the Committee on Highways.

House Bill No. 178. A Bill for an Act Making an Appropriation for the Purpose of Paying Rental and Eliminating Toll Charges on the Great Northern Railway Company's Bridge Across the Yellowstone River in McKenzie County, North Dakota, and Authorizing the State Highway Commis-

sioner to Enter Into a Contract With the Great Northern Railway Company to Provide Free Crossing to Vehicle and Traffic Over Said Bridge.

Was read the first time and referred to the Committee on Appropriations.

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign:

House Bill No. 3. A Bill for an Act Making an Appropriation for the Purpose of Paying Clerkhire and Miscellaneous General Expenses of the North Dakota Procurement Officer, as Provided by Chapter 219, Session Laws of 1935.

Also,

House Bill No. 10. A Bill for an Act Making an Appropriation for the Purpose of Paying Insurance Tax to the Various Fire Departments of the State, in Compliance With the Provisions of Sections 3993 to 3998, Inclusive, of the Compiled Laws of 1913.

Also,

House Bill No. 36. A Bill for an Act Forbidding Compulsory Military Training and Tactics in State Supported Educational Institutions.

Also,

House Bill No. 11. A Bill for an Act Making an Appropriation for Acquiring and Maintaining State Parks as Provided for in Chapter 216, Session Laws of 1935.

Also,

House Bill No. 41. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State School for the Blind at Bathgate, North Dakota.

Also,

House Bill No. 16. A Bill for an Act to Encourage the Investment of Capital in the State of North Dakota in Connection with the Business of Securing, Saving, Storing and Refining of Petroleum and Petroleum Products, and to Fix and Determine a method for the Finding and Fixing a Limitation on Valuations Thereof for the Purposes of Taxation.

Also,

House Bill No. 142. A Bill for an Act Providing for the Establishment of Voting Precincts in All Special and Independent School Districts; Requiring Establishment of Polling Places for Each 5,000 Inhabitants; Providing for Appointment of Election Officials, Fixing Their Powers, Duties and Compensation and Repealing All Acts or Parts of Acts in Conflict Herewith.

Also,

House Bill No. 43. A Bill for an Act Making an Appropriation for the General Maintenance, a New Building, Equipment and Miscellaneous Expenses of the State Hospital for the Insane at Jamestown, North Dakota.

And the President signed the same in the presence of the Senate.

#### COURTESIES OF THE FLOOR

The courtesies of the floor were extended to John C. Larson, Mayville; Theodore Kaldor, Hillsboro; Donato Jacob, Bismarck; Benno Schmansky, Valley City; E. E. Green, Jamestown; Marian Linnell, Grace Kruse, Mae Engel, Melva Simons, Grand Forks.

Senator Johnson moved that the Senate do now adjourn, which motion prevailed. The Senate stood adjourned.

THOMAS McDONALD,  
Secretary.

FORTY-THIRD DAY

Senate Chamber,  
Bismarck, North Dakota,  
February 16, 1937.

The Senate convened at 2:00 p. m., pursuant to adjournment, the President presiding.

Prayer by the Chaplain, Rev. Joseph F. Schmidt, Bismarck.

Roll call: All members present except Senators Hulteng and Williams.

Senator Lian moved that all absent Senators be excused, which motion prevailed.

REPORT OF COMMITTEE ON CORRECTION AND  
REVISION OF THE JOURNAL

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 40th day after recess and 42nd day and recommend that the same be corrected as follows:

On page 751, line 34, following the word "passed" insert the words "and that the motion to reconsider be laid on the table".

And when so corrected recommend that the same be approved.

C. C. MORRISON,  
Chairman.

Senator Owings moved that the report be adopted, which motion prevailed and the report was adopted.

PETITIONS AND COMMUNICATIONS

The following petitions and communications were received, read from the desk, and referred to the appropriate committees.

A communication from the labor club of Kulm requesting passage of House Bill No. 21.

A telegram signed by a group of five citizens of Grand Forks asking favorable consideration of House Bill 193.

A petition signed by 132 citizens of Noonan and vicinity urging defeat of House Bill 216.

A petition signed by 65 citizens of Wells County protesting the passage of House Bill 216.

A copy of resolutions adopted by the Renville County Farmers Union opposing compulsory military training at state supported institutions; favoring the establishment of Farmers Union Locals at all State Colleges and the University; urging continuance of High School correspondence courses at Agricultural College; and urging legislation requiring higher institutions of learning to offer courses in cooperative studies, to be taught by sympathetic instructors.

A petition signed by 24 citizens of Foster County protesting the passage of Senate Bills No. 70 and 120.

A communication from F. A. Vogel, Manager of the Bank of North Dakota, stating that the terms of Chapter 274, S. L. 1935, relative to payment of delinquent personal property taxes, had been complied with by that institution, and enclosing correspondence between bank officials and employees showing statute had been called to their attention.

State of North Dakota  
OFFICE OF THE GOVERNOR  
Bismarck

To the Members of the Senate, Twenty-Fifth Legislative Assembly.

Gentlemen:

This is to inform you that I have signed:

Senate Bill No. 48. A Bill for an Act to Amend and Re-enact Section 1164 of the Compiled Laws of the State of North Dakota for 1913, Pertaining to the Duties of the Clerks of Common School Districts, and Declaring an Emergency, and Repealing All Acts and Parts of Acts in Conflict Herewith.

On February 15th at 4:25 P. M.

Senate Bill No. 69. A Bill for an Act to Amend and Re-enact Section 3585 of the Compiled Laws of 1913 Relating to the Qualifications of City Aldermen, Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

On February 15th at 4:30 P. M.

Senate Bill No. 83. A Bill for an Act Providing for Relief in Certain Cases During the Emergency Declared to Exist From Foreclosure of Mortgages or Other Liens on Real Estate, and Execution Sales of Real Estate, and Cancellation



of Contracts for the Sale of Real Property, Eviction of Tenants from Real Estate, and for Postponing Certain Sales and Extending the Period of Redemption from Certain Sales, and Relating to the Jurisdiction and Procedure for Such Relief, and for the Right to Possession During the Extended Period, and Limiting the Right to Emergency Actions for Deficiency Judgment, and for Extending the Expiration of Certain Periods of Redemption to Thirty Days After the Passage of this Act; Repealing All Acts Inconsistent Herewith and Declaring an Emergency.

On February 15th at 4:50 P. M.

House Bill No. 88. A Bill for an Act to Amend and Re-enact Section 5 of Chapter 195 of the Session Laws of North Dakota for the Year 1929, Relating to the Construction of All Public Buildings and Repairs and Improvements Connected With or Pertaining Thereto, Contracts Therefor, and Allowance and Payment of Estimates Thereon.

On February 15th at 5:25 P. M.

House Bill No. 31. A Bill for an Act to Amend and Re-enact Section 4950a13 of the Supplement to the Compiled Laws of North Dakota, Relating to County Mutual Insurance Companies, and Declaring an Emergency.

On February 15th at 5:30 P. M.

House Bill No. 25. A Bill for an Act Making a Special Appropriation to Pay for the General Maintenance of the School of Medicine at the State University, Grand Forks, North Dakota.

On February 15th at 5:20 P. M.

The above named bills have been delivered to the Secretary of State.

Respectfully,

WILLIAM LANGER,  
Governor.

WL-JEB

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. 111. A Bill for an Act Authorizing Municipalities to Acquire, Construct, Re-construct, Improve, Better, and Extend Certain Revenue-producing Undertakings; to Maintain and Operate the Same and to Prescribe, Revise and Collect Rates, Fees, Tolls, and Charges for the Services, Facilities, and Commodities Furnished Thereby, and, in Anticipation of the Collection of the Revenues Thereof, to Issue Bonds Payable Solely From Such Revenues; Regulating the

Issuance of Such Bonds and Providing for Their Payment and for the Rights of the Holders Thereof, and Other Matters Necessary in the Premises; and Declaring an Emergency.

Also,

Senate Bill No. 218. A Bill for an Act Providing for the Payment of a Bounty on Crows.

Also,

SENATE RESOLUTION "H".

Also,

Senate Bill No. 214. A Bill for an Act to Amend and Re-enact Section 3314a6 of the Supplement to the Compiled Laws of 1913, Providing that all Expenditures Must Conform to the County Budget as Adopted; Providing that no Bill Incurred in Excess of Any Budget Item May Be Paid or Included in Any Succeeding Appropriation or Budget, and Defining Duties of County Auditor.

Also,

SENATE CONCURRENT RESOLUTION "P".

Also,

Senate Bill No. 158. A Bill for an Act to Provide for the Attendance of Non-Resident Students at the Public Schools of This State; to Regulate the Terms of Their Admission; and to Permit the Payment by School Boards of Tuition, Transportation, Board and Lodging of Resident Students Attending Other Schools.

Also,

Senate Bill No. 76. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the State Highway Department.

Also,

Senate Bill No. 227. A Bill for an Act Re-establishing the North Dakota Mill and Elevator Association; Providing for the Creation of the Board of Managers and Defining Its Powers, Duties, and Qualifications to Such Board; Providing for the Appointment of an Auditor and for the Filling of Vacancies on Such Board; Providing for Removal of Members of Such Board; Providing for the Organization of Such Board and the Matter of Conducting Business; Providing Procedure in Actions Brought Against Such Association; Providing for Employees and Bonds; Providing for Examination by the State Examiner and Repealing Chapter 268 of Session Laws of 1931 and Chapter 193 of the Session Laws of 1933.

And find the same correctly engrossed.

WILLIAM KROEBER,  
Chairman.

Senator Kroeber moved that the report be adopted, which motion prevailed, and the report was adopted.

#### REPORTS OF STANDING COMMITTEES

The Committee on Taxes and Tax Laws made the following report:

Mr. President: Your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 95, have had the same under consideration and recommend that the same be indefinitely postponed.

J. K. BROSTUEN,  
Chairman.

Senator Brostuen moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 103, have had the same under consideration and recommend that the same be indefinitely postponed.

J. P. CAIN,  
Chairman.

Senator Cain moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Strehlow moved that the vote by which Senate Bill 103 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

A Minority of the Committee on Elections made the following report:

Mr. President: A Minority of your Committee on Elections to whom was referred Senate Bill No. 122, have had the same under consideration and recommend that the same do pass.

WM. A. THATCHER,  
WILLIAM KROEBER,  
F. T. GRONVOLD,  
JOHN CRANDALL,  
E. F. MUTCHLER,  
Chairman.

A Majority of the Committee on Elections made the following report:

Mr. President: A Majority of your Committee on Elections to whom was referred Senate Bill No. 122, have had the same under consideration and recommend the same be indefinitely postponed.

BEN GILBERTSON,  
E. F. MUTCHLER,  
AXEL OLSON,  
OTTO TOPP,  
H. G. GUENTHER,  
E. F. MUTCHLER,  
Chairman.

Senator Gilbertson moved that the majority report be adopted.

Senator Thatcher moved as a substitute motion, that the report of the minority be substituted for the report of the majority.

Senator Johnson moved that the minority report on Senate Bill No. 122 be amended as follows:

“Strike out all of Section 10.”

Which motion prevailed.

The question being on the motion of Senator Thatcher that the report of the minority be adopted. The motion lost.

The question being on the adoption of the majority report, the motion prevailed, the report was adopted, and Senate Bill No. 122 was indefinitely postponed.

Senator Gilbertson moved that the vote by which Senate Bill No. 122 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion was lost.

#### MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
February 16, 1937.

Mr. President: I have the honor to request the return of Senate Concurrent Resolution “J” which the House wishes to reconsider.

I also have the honor to inform you that the Speaker has appointed Reps. Wolf, Hofstrand and Traynor to serve with a like committee of the Senate to prepare for a Joint Memorial Session on Washington’s Birthday.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 16, 1937.

Mr. President: I have the honor to transmit herewith the following bills:

House Bill No. 140. A Bill for an Act Relating to Public Utilities, Reports of Public Utilities to the Board of Railroad Commissioners; Valuations of Public Utilities Made by the Board of Railroad Commissioners; Duties of State Board of Equalization and/or State Tax Commissioner.

Also,

House Bill No. 137. A Bill for an Act Amending and Re-

enacting Section 7812 of the Compiled Laws of North Dakota for the Year 1913, as to the Furnishing of Surety for Costs in District Court Actions by Plaintiffs Who Are Non-Residents of the State or Foreign Corporations Other Than United States Corporations.

Also,

House Bill No. 136. A Bill for an Act to Amend and Re-enact Sections 5512, 5513, 5514 and 5515 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to Transfer of Interests of Real Estate by Corporations; Repealing All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

Also,

House Bill No. 119. A Bill for an Act Making an Appropriation for the Purpose of Returning to the State Hail Insurance Fund the Money Diverted Therefrom by Chapter 155 of the Session Laws of North Dakota for 1935, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Also,

House Bill No. 166. A Bill for an Act Creating a Fund to Be Known as the Industrial Commission Fund to Be Used by the Industrial Commission of the State of North Dakota for the Payment of Expenses Incurred When Engaged in the Performance of their Duties and Carrying Out the Provisions of Chapter 151 of the Session Laws of North Dakota for the Year 1919 at Places Other Than in the City of Bismarck, North Dakota; Making an Appropriation to Said Fund; and Declaring an Emergency.

Also,

House Bill No. 173. A Bill for an Act to Amend and Re-enact Section 7 of Chapter 152 of the Session Laws of North Dakota for 1935, Relating to the Licensing of Resident Agents for Surety and Insurance Companies Other Than Life Insurance Companies.

Also,

House Bill No. 193. A Bill for an Act Requiring Boards of County Commissioners or Any Other Public Board in Poor Relief Cases to Employ Medical, Osteopathic, Chiropractic Physicians, or Other Legally Licensed Practitioners of the State of North Dakota, in Treatment of Indigent Persons According to the Preference of Such Persons; Repealing Acts or Parts of Acts in Conflict Herewith and Declaring an Emergency.

Also,

House Bill No. 207. A Bill for an Act to Amend and Re-enact Section 7297 of the Supplement to the 1913 Compiled Laws of North Dakota, as amended by Chapter 165 of the Session Laws of North Dakota for 1927 Relating to Holidays.

Also,

House Bill No. 212. A Bill for an Act Requiring Certain Matters to Be Considered by the Board of Railroad Commissioners in Determining Rates to Be Allowed to Public Utilities Under Their Jurisdiction.

Also,

House Bill No. 229. A Bill for an Act to Repeal Chapter 267 of the 1935 Session Laws, the Same Being an Amendment and Re-enactment of Chapter 94 of the Session Laws of the State of North Dakota for the Year 1929, Relating to the Custodian of the Capitol Building and Grounds, Describing His Duties, Powers and Compensation and Appointing of Such Custodian.

Which the House has passed and your favorable consideration is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### REPORTS OF STANDING COMMITTEES

Senator Vinje moved that the proposed amendments to Senate Bill No. 141 be printed in the Journal and not read from the desk, and that action on the committee report be deferred one legislative day, which motion prevailed.

The Committee on Women's and Children's Welfare made the following report:

Mr. President: Your Committee on Women's and Children's Welfare to whom was referred Senate Bill No. 141, have had the same under consideration and recommend that the same be amended as follows:

Strike out the entire title and insert in lieu thereof the following:

For an Act to Promote the Public Welfare by Providing for Public Assistance to Aged Persons in Need; to authorize action to be brought against persons legally responsible for the support of needy aged, to protect recipients of old age assistance in possession of their homesteads, and other assets, by restricting the right to transfer or encumber such homesteads, and to safeguard any values in insurance policies.

Page 4, line 20 of the printed bill in the word "Blanks" following the word "agencies", change the "B" to a "b".

Page 5, line 6 of the printed bill, after the word "Chapter", strike out the figures "79" and insert in lieu thereof the figures "97".

Page 9, line 8 of Section 9, after the word "for" correct the word "himeslf" to read "himself".

Page 10, line 21 of Section 10, of the printed bill, after

the words "rejected or" strike out the word "change" and insert in lieu thereof the word "changed".

Page 13, line 11 of Section 14, insert the figures \$75.00 in the blank space.

Page 14, line 9 of Section 18, correct the spelling of the word "assisstance" to read "assistance".

After Section 18, insert the following new section:

"SECTION 19. If at any time during the continuance of any allowance granted under the provisions of this Act it is ascertained that anyone liable for the support and care of the recipient of such assistance is able to afford the necessary support and care of such recipient, and such person so liable for the care and support of such recipient fails and refuses to support and care for such recipient, then there shall exist a cause of action for such assistance against the person or persons liable therefor; which action shall be brought by the State's Attorney of such county in the name of the county in which such assistance was granted against such person or persons so liable for the recovery of the amount of money with interest thereon paid to such recipient together with the costs and disbursements of such action. One-half the net amount so recovered shall promptly be paid to the United States and the remaining one-half thereof shall be paid to the Treasurer of the North Dakota Old Age Assistance Fund and credited respectively to the state and the county entitled thereto in proportion to the amounts which the assistance payments represented funds contributed by the state and the county".

In line 1 of Section 19, of the printed bill, on page 14, change the figure "19" to "20".

On page 14, line 5, of Section 19 (of the printed bill), insert the figures "\$125.00" in the space provided therefor.

On page 15, line 22, after the word "value", insert the figures "\$200.00" in the space provided therefor.

After Section 19 (of the printed bill), insert the following new section; to be numbered Section "21".

"SECTION 21. The ownership of real or personal property by an applicant for old age assistance or by the spouse of such applicant, either individually or jointly, or of insurance on the life of the applicant, shall not preclude the granting of old age assistance if the applicant is without funds for his support. But if the applicant is the owner of real property, other than a homestead, of a life insurance policy having a cash surrender value of more than \$300, or of personal property other than household goods, wearing apparel and personal effects, of a value in excess of \$200, then the applicant, as a condition to the grant of assistance, shall be required to transfer such property in trust by appropriate instrument as security for such old age assistance payments as the applicant may thereafter receive. Where an applicant for old age assistance has a policy of insurance or a fraternal

beneficiary certificate on his life and where such policy or beneficiary certificate has a surrender value less than that stated or has no cash surrender value at all, the county agency may recommend and the state agency may authorize premiums upon such insurance policy or beneficiary certificate to be made out of old age assistance payments and may enter into such arrangement with the insured as shall protect the interest of the insured and the interest of the state and insure repayment to the state, upon the death of the insured, of not less than the premium payments so made after funeral expenses, not to exceed \$125.00, have been paid.

An applicant for old age assistance shall in no case be required to transfer a homestead occupied by him as such unless he or she desires to do so; but a recipient of old age assistance shall not be permitted to encumber or convey such homestead without the approval in writing of the state agency.

When an application for old age assistance is granted and it appears that the applicant occupies a homestead, which he owns, the state agency shall cause to be filed in the office of the Register of Deeds of the county in which such homestead is located a statement in writing to the effect that the owner of such homestead is receiving or about to receive old age assistance payments and such written statement shall be signed by the Executive Director of the Public Welfare Board of North Dakota and after the filing of such statement, any instrument of conveyance or encumbrance executed by the applicant for old age assistance who is the owner of such homestead without the approval of the Public Welfare Board of North Dakota shall be null and void.

No fee shall be charged by the Register of Deeds for filing such statement."

On page 15, line 1, Section 20 of the printed bill, change the figure "20" to "22".

On page 15, line 2, Section 20 (of the printed bill) correct the spelling of "attemppts" to read "attempts".

On page 15, line 7, Section 20 (of the printed bill) insert the figures \$500 in the space provided therefor.

On page 15, line 8, Section 20 (of the printed bill) insert the figure "12" in the space provided therefor.

On page 16, line 1, Section 21 of the printed bill change the figure "21" to "23".

On page 16, line 1, Section 22 of the printed bill change the figure "22" to "24".

On page 16, line 1, Section 23 of the printed bill change the figure "23" to "25".

On page 17, line 1, Section 24 of the printed bill change the figure "24" to "26".

On page 17, line 1, Section 25 of the printed bill change the figure "25" to "27".



On page 17, line 1, Section 26 of the printed bill change the figure "26" to "28".

And when so amended recommend the same do pass.

SYVER VINJE,  
Chairman.

The committee on Agriculture and Livestock made the following report:

Mr. President: Your Committee on Agriculture and Livestock to whom was referred Senate Bill No. 159, have had the same under consideration and recommend that the same be indefinitely postponed.

HERMAN THORSON,  
Chairman.

Senator Thorson moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Taxes and Tax Laws made the following report:

Mr. President: Your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 183, have had the same under consideration and recommend that the same do pass.

J. K. BROSTUEN,  
Chairman.

Senator Brostuen moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Taxes and Tax Laws made the following report:

Mr. President: Your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 186, have had the same under consideration and recommend that the same be indefinitely postponed.

J. K. BROSTUEN,  
Chairman.

Senator Brostuen moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Corporations made the following report:

Mr. President: Your Committee on Corporations to whom was referred Senate Bill No. 189, have had the same under consideration and recommend that the same do pass.

MILTON R. YOUNG,  
Chairman.

Senator Young moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Taxes and Tax Laws made the following report:

Mr. President: Your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 191, have had the same under consideration and recommend that the same be indefinitely postponed.

J. K. BROSTUEN,  
Chairman.

Senator Brostuen moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Taxes and Tax Laws made the following report:

Mr. President: Your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 199, have had the same under consideration and recommend that the same do pass.

J. K. BROSTUEN,  
Chairman.

Senator Brostuen moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Counties made the following report:

Mr. President: Your Committee on Counties to whom was referred Senate Bill No. 200, have had the same under consideration and recommend that the same do pass.

W. J. TROUT,  
Chairman.

Senator Trout moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Taxes and Tax Laws made the following report:

Mr. President: Your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 201, have had the same under consideration and recommend that the same be indefinitely postponed.

J. K. BROSTUEN,  
Chairman.

Senator Brostuen moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Fredrickson moved that the vote by which Senate Bill No. 201 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

The Committee on Taxes and Tax Laws made the following report:

Mr. President: Your Committee on Taxes and Tax Laws

to whom was referred Senate Bill No. 203, have had the same under consideration and recommend that the same be indefinitely postponed.

J. K. BROSTUEN,  
Chairman.

Senator Brostuen moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 209, have had the same under consideration and recommend that the same be indefinitely postponed.

J. P. CAIN,  
Chairman.

Senator Cain moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Guthrie moved that the vote by which Senate Bill No. 209 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

The Committee on Mines and Minerals made the following report:

Mr. President: Your Committee on Mines and Minerals to whom was referred Senate Bill No. 212, have had the same under consideration and recommend that the same do pass.

WM. A. THATCHER,  
Chairman.

Senator Brostuen moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Taxes and Tax Laws made the following report:

Mr. President: Your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 213, have had the same under consideration and recommend that the same be amended as follows:

On Page 2 of the Printed Bill, in line 16, and 17, strike out "April Fifteenth" and insert in lieu thereof "May First."

And when so amended recommend the same do pass.

J. K. BROSTUEN,  
Chairman.

Senator Brostuen moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Agriculture and Livestock made the following report:

Mr. President: Your Committee on Agriculture and Livestock to whom was referred Senate Bill No. 222, have had the same under consideration and recommend that the same be amended as follows and be referred to the Appropriations Committee.

In the heading of the bill after the words "introduced by" insert "Senators."

On page 5, lines 36 and 37 correct the spelling of the word "prsonal" to read "personnel."

On Page 7, line 3, Section 5, after the word "Any" correct the spelling in the words "twenty-fice" to read "twenty-five."

On Page 9, line 59, Section 5, after the word "such" correct the spelling of the word "other."

On Page 21, line 10, Section 8, after the words "at least" strike out the remainder of the sentence and insert in lieu thereof the following language: "two-thirds of the land occupiers vote in favor of said ordinance and provide further that the land occupiers of two-thirds of the land area within the district shall have voted at such referendum."

On Page 23, line 4, of Section 9, after the word "Section" strike out the figure "9" and insert in lieu thereof the figure "8."

On Page 25, line 29, Section 10, correct the spelling of the word "rport" to read "report," also, after the words "findings of" correct the word "act" to read "fact."

On Page 33, line 24, of Section 14, after the word "referendum" strike out the word "or."

On page 35, line 82, of Section 14, after the word "District" strike out the word "or."

On Page 36, line 1, Section 15, strike out the word "it" and insert in lieu thereof the word "there"; also, in line 2 strike out the word "that."

And when so amended recommend that the same do pass.

HERMAN THORSON,  
Chairman.

Senator Thorson moved that the report be adopted, which motion prevailed and the report was adopted.

Senate Bill No. 222 was referred to the Committee on Appropriations.

The Committee on Corporations made the following report:

Mr. President: Your Committee on Corporations to whom was referred Senate Bill No. 233, have had the same under consideration and recommend that the same do pass.

MILTON R. YOUNG,  
Chairman.

Senator Young moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Corporations made the following report:

Mr. President: Your Committee on Corporations to whom was referred Senate Bill No. 234, have had the same under consideration and recommend that the same be indefinitely postponed.

MILTON R. YOUNG,  
Chairman.

Senator Young moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Taxes and Tax Laws made the following report:

Mr. President: Your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 235, have had the same under consideration and recommend that the same be amended as follows:

In the 4th line of the title of the printed bill, after the word "Department", insert a "comma" and add the following words: "Board, Bureau, Commission, Agency, Instrumentality or Institution".

On page 2, line 4 of Section 4, after the word "department", insert a "comma" and add the following words: "Board, Bureau, Commission, Agency, Instrumentality".

And when so amended recommend the same do pass.

J. K. BROSTUEN,  
Chairman.

Senator Brostuen moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 118, have had the same under consideration and recommend that the same be amended as follows:

In line 3 of the printed bill, strike out the figures "\$30,000.00" and insert in lieu thereof the figures "\$17,500.00".

In line 12, strike out the word "Geologists" and change to read as follows: "State Geologist and Assistant State Geologist .....2,750.00".

Strike out all of lines 13, 14, and 15, and re-number the following lines.

In line 16, strike out the figures "2,000.00" and insert in lieu thereof the figures "750.00".

In line 17 and 18, strike out the words and figures "Stenographers (Including secretary and librarian) ..... 1,450.00" and insert in lieu the words and figures "Stenographic assistance, Supplies, and Equipment .....1,750.00".

In line 19, strike out the figures "1,200.00" and insert in lieu thereof the figures "500.00".

Strike out all of line 20.

In line 21, strike out the figures "2,500.00" and insert in lieu thereof the figures "1,750.00".

Strike out all of line 22.

In line 23, strike out the figures "12,500.00" and insert in lieu thereof the figures "10,000.00".

In line 25, correct the "TOTAL" by striking out the figures "\$30,000.00" and insert in lieu thereof the figures "\$17,500.00".

And when so amended recommend that same do pass.

B. W. LEMKE,  
Chairman.

Senator Lemke moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Warehouse and Grain Grading made the following report:

Mr. President: Your Committee on Warehouse and Grain Grading to whom was referred House Bill No. 39, have had the same under consideration and recommend that the same do pass.

HARRY C. LYNN,  
Chairman.

Senator Lynn moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Corporations made the following report:

Mr. President: Your Committee on Corporations to whom was referred House Bill No. 81,

Have had the same under consideration and recommend that the same do pass.

MILTON R. YOUNG,  
Chairman.

Senator Young moved that the report be adopted.

Senator Johnson moved that the committee report on House Bill No. 81 be amended as follows:

In line 7 of Section 1 of the printed bill, after the word

"village" strike out the comma, insert a period and strike out the balance of the paragraph.

Which motion prevailed.

The question being on the motion of Senator Young that the report be adopted, the motion prevailed and the report was adopted.

The Committee on Corporations made the following report:

Mr. President: Your Committee on Corporations to whom was referred House Bill No. 118,

Have had the same under consideration and recommend that the same be amended as follows:

In the title of the printed bill, following the word "to" in line 3, strike out the remainder of the Section, and insert in lieu thereof the following words and figures, "Section 8320A1 to Section 8320A4 inclusive, of the Supplement to the Compiled Laws of 1913, and Repealing All Acts and Parts of Acts in Conflict Herewith."

In lines 3 and 4 of Section 1 of the printed bill, strike out the following words and figures "Chapter 116 of the Laws of 1919" and insert in lieu thereof the following words and figures, "Section 8320A1 to 8320A4 inclusive, of the Supplement to the Compiled Laws of 1913".

On page 2, line 19 of the printed bill, strike out the following words and figures, "Chapter 116 of the Laws of 1919.", and insert in lieu thereof the following words and figures, "Section 8320A1 to 8320A4 inclusive, of the Supplement to the Compiled Laws of 1913."

And when so amended, recommend that the same do pass.

MILTON R. YOUNG,  
Chairman.

Senator Young moved that the report be adopted, which motion prevailed and the report was adopted.

#### REPORT OF SELECT COMMITTEES

The Conference Committee on House Bill No. 40 made the following report:

Mr. President: Your Conference Committee to whom was referred House Bill No. 40, have had the same under consideration and recommend:

That the House accept the Senate Amendment in item 3. "Other Employees" under "SALARIES AND WAGES".

That the House accept the Senate Amendment on "Salary Adjustments ..... 3,700.00".

That the House accept the Senate Amendment on item 13. "Clothing". under "OPERATING EXPENSE".

That the Senate recede from their amendment in item 14.

“Hospital and Medical Services” under “OPERATING EXPENSE”, and the figures in this item be further amended to read “9,000.00”.

That the Senate recede from their amendment in item 17. under “OPERATING EXPENSE” and the figures in this item be further amended to read “4,500.00”.

That the Senate recede from their amendment in item 19. under “OPERATING EXPENSE” and the figures in this item be further amended to read “16,000.00”.

That the figures after “TOTAL MAINTENANCE” be changed to read “\$280,996.00”.

That the figures after “NET MAINTENANCE” be changed to read “\$247,996.00”.

That the House accept the Senate Amendment in item 1. “General”. under “IMPROVEMENTS AND REPAIRS”.

That the Senate recede from their amendment in item 2. “Farm” under “EQUIPMENT”, and the figures in this item be further amended to read “500.00”.

That the figures in line 3 of the Engrossed Bill be changed to read “\$258,696.00”.

That the “TOTAL” be changed to read “\$258,696.00”.

For the Senate:  
WM. WATT,  
R. M. STREIBEL.

For the House:  
O. C. OLSON,  
OLE G. FROSAKER,  
OLE B. STRAY.

Senator Watt moved that the report be adopted, which motion prevailed and the report was adopted.

The Conference Committee on House Bill No. 42 made the following report:

Mr. President: Your Conference Committee to whom was referred House Bill No. 42, have have the same under consideration and recommend that the House accept the Senate amendments.

For the Senate:  
WM. WATT,  
R. M. STREIBEL.

For the House:  
O. C. OLSON,  
OLE G. FROSAKER,  
OLE B. STRAY.

Senator Watt moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Johnson moved that the rules be suspended and



House Bill No. 40 be placed upon Second Reading and Final Passage, as amended, by the conference committee, which motion prevailed.

### SECOND READING OF HOUSE BILLS

House Bill No. 40. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Penitentiary.

Was read the second time.

### ROLL CALL

The question being on the final passage of the bill, as amended by the Conference Committee, the roll was called and there were ayes, 46; nays, 0; absent and not voting 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Olson
Bilden	Kamrath	Owings
Blaisdell	Kolpin	Skarvold
Brostuen	Kroeber	Strehlow
Cain	Lavik	Streibel
Coffey	Lemke	Stucke
Crandall	Lian	Thatcher
Drew	Lowe	Thorson
Ettestad	Lynn	Topp
Fowler	Magoffin	Trout
Fredrickson	McGillic	Vinje
Gilbertson	Morrison	Watt
Greene	Mutchler	Whelan
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young
Guthrie		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fine	Hulteng	Williams

So the bill passed and the title was agreed to.

### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 16, 1937.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the report of the Conference Committee on House Bill No. 40.

Very respectfully,

THOMAS McDONALD,  
Secretary

Senator Thorson moved that the Senate reconsider the vote by which Senate Bill No. 158 was passed, which motion prevailed.

Senator Thorson moved that Senate Bill No. 158 be amended as follows:

On page 2, Section 3, line 4, strike out the word "may" and insert the word "shall".

Which motion prevailed.

Senator Thorson moved that the rules be suspended and Senate Bill No. 158 be considered properly re-engrossed, and placed upon Second Reading and Final Passage, as amended, which motion prevailed.

Senator Johnson moved that Senate Bill No. 158 be placed at the foot of the calender, which motion prevailed.

Senator Fowler moved that the Senate comply with the request of the House and return Senate Concurrent Resolution "J" to the House, which motion prevailed.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 16, 1937.

Mr Speaker: I have the honor to transmit herewith the following resolution:

#### SENATE CONCURRENT RESOLUTION "J".

In accordance with the request of the House for its return.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senator Strehlow requested that the Senate return to the Sixth Order of Business, which request was granted.

Senator Strehlow reported that the committee appointed to confer with the Board of Administration relative to the matter of ventilation of the Senate Chamber had taken the matter up with that Board and the Board had had the ventilators adjusted. If the ventilation did not prove satisfactory the committee would like to receive a report from any of the Senators not satisfied so they might take the matter up with the Board of Administration again.

Senator Strehlow, on behalf of the committee appointed to draw up memorial resolutions for deceased members of the Senate, requested that a report be made to that committee of any senators who had passed away within the past two years.

## SECOND READING OF SENATE BILLS

Senate Bill No. 163. A Bill for an Act Providing for the Taxation of Gasoline Sold or Purchased for the Purpose of Operating and Propelling Airplanes and Aircraft, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Was read the second time.

Senator Lynn moved that Senate Bill No. 163 be amended as follows:

Strike out all of Section 2 after the figure 2 in line 1, insert the following: "all taxes collected under this Act shall, by the State Treasurer, be credited to the Airmen's Aviation Fund".

Which motion prevailed.

Senator Lynn moved that the rules be suspended and Senate Bill No. 163 be considered properly re-engrossed and placed upon Second Reading and Final Passage as amended, which motion prevailed.

Senator Johnson moved that Senate Bill No. 163 be placed at the foot of the calendar, which motion lost.

## ROLL CALL

The question being on the final passage of Senate Bill No. 163, as amended, the roll was called and there were ayes, 41; nays, 4; absent and not voting 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Johnson	Owings
Blaisdell	Kroeber	Skarvold
Cain	Kolpin	Strehlow
Coffey	Lavik	Streibel
Crandall	Lemke	Stucke
Drew	Lian	Thatcher
Fine	Lowe	Thorson
Fowler	Lynn	Topp
Fredrickson	Magoffin	Trout
Gilbertson	McGillic	Vinje
Greene	Morrison	Wog
Gronvold	Mutchler	Young
Guenther	Nelson, Grand Fks.	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Brostuen	Watt	Whelan
Nelson, Barnes		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Ettestad	Kamrath	Williams
Hulteng		

So the bill passed and the title was agreed to.

Senator Brostuen: There seems to be so much confusion in the minds of the Senators as to what this bill really means that I am going to vote "no".

Senator Johnson: I vote "aye" reserving the right to reconsider.

Senator Lian moved that the Senate do now recess for 10 minutes, which motion prevailed.

The Senate reconvened pursuant to recess taken.

### SECOND READING OF SENATE BILLS

Senate Bill No. 231. A Bill for an Act Providing for the Abolition of the Office of Common School District Treasurer Upon Majority Vote at Annual School Elections.

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, 31; nays, 14; absent and not voting 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Greene	McGillic
Bilden	Gronvold	Morrison
Blaisdell	Guenther	Mutchler
Brostuen	Guthrie	Nelson, Grand Fks.
Cain	Kolpin	Owings
Crandall	Kroeber	Streibel
Drew	Lavik	Trout
Ettestad	Lemke	Vinje
Fowler	Lynn	Whelan
Fredrickson	Magoffin	Wog
Gilbertson		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Coffey	Olson	Thorson
Kamrath	Skarvold	Topp
Lian	Strehlow	Watt
Lowe	Stucke	Young
Nelson, Barnes	Thatcher	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fine	Johnson	Williams
Hulteng		

So the bill passed and the title was agreed to.

Senate Bill No. 135. A Bill for an Act to Amend and Re-enact Section 4398 of the Supplement to the Compiled Laws

of 1913, Relating to the Term of Residence of Plaintiff in an Action for Divorce and Declaring an Emergency.

Was read the second time.

Senator Lynn moved that Senate Bill No. 135 be amended as follows:

On Page 1, line 6 of the printed bill strike out the word "seventy" and insert the word "thirty."

Which motion prevailed.

Senator Lynn moved that the rules be suspended and Senate Bill No. 135 be considered properly re-engrossed, and placed upon Second Reading and Final Passage, as amended, which motion prevailed.

Senate Bill No. 135. A Bill for an Act to Amend and Re-enact Section 4398 of the Supplement to the Compiled Laws of 1913, Relating to the Term of Residence of Plaintiff in an Action for Divorce 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, 12; nays, 32; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Johnson	Morrison
Ettestad	Kamrath	Nelson, Grand Fks.
Gilbertson	Kroeber	Thatcher
Guenther	Lynn	Wog

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Skarvold
Bilden	Kolpin	Strehlow
Brostuen	Lavik	Streibel
Cain	Lemke	Stucke
Coffey	Lian	Topp
Crandall	Lowe	Trout
Drew	Magoffin	Vinje
Fowler	McGillic	Watt
Fredrickson	Nelson, Barnes	Whelan
Greene	Olson	Young
Gronvold	Owings	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fine	Mutchler	Williams
Hulteng	Thorson	

So the bill lost.

Senator Watt moved that the vote by which S. B. No. 135 was lost be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Olson: I vote "no" on this bill. It has no good intent—only to bring a few slimy dollars into North Dakota.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
February 16, 1937.

Mr. President: I have the honor to transmit herewith the following bills:

House Bill No. 12. A Bill for an Act Making an Appropriation to Provide Funds for the Maintenance of the North Dakota National Guard or State Militia, as Provided for Under Chapter 35 of the Political Code of the Compiled Laws of North Dakota, for the Year 1913 and Amendments Thereto, and to Meet Other Requirements Prescribed by the Federal Statutes.

Also,

House Bill No. 17. A Bill for an Act to Authorize the Board of County Commissioners of the Counties in the State of North Dakota, to Make, Execute and Deliver, on Behalf of the County, Leases and Other Contracts for the Purpose of Mining, and Operating for Oil and Gas, Lay Pipe Lines, and for Establishing and Maintaining Tanks, Power Stations and Structures Thereon, to Produce, Save, Sell and Take Care of Said Products, Together with Power and Authority to Include in the Provisions of Said Leases Any and All Provisions Which Would Be Within the Power of an Individual owner to Make, With Certain Limitations, and Providing for the Distribution of Moneys Received from Said Leases: Repeal: Declaring an Emergency.

Also,

House Bill No. 57. A Bill for an Act Declaring Volunteer Firemen to Be Employees of the Municipalities Which They Serve, and Entitled to the Protection of the Workmen's Compensation Laws of the State; Defining the Term "Volunteer Firemen"; Fixing the Basis of Payment of Benefits Out of the Workmen's Compensation Fund and the Method of Making Assessments of Premiums Against Municipalities.

Which the Speaker has signed and your signature is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

## SECOND READING OF SENATE BILLS

Senate Bill No. 151. A Bill for an Act to Authorize, Regulate and Control the Transportation, Importation, Handling, Possession, Purchase, Sale and Dispensing of Alcohol and Alcoholic Beverages, as Now Defined by Law, in This State by Common Carriers, Providing for the Method of Taxing and Licensing Alcohol and Alcoholic Beverages When Handled and Sold by Common Carriers, and of Expending and Distributing the Revenues from Such Taxes and Licenses, and Providing Penalties for the Violation of This Act; 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, 31; nays, 13; absent and not voting 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Magoffin
Blaisdell	Johnson	McGillic
Brostuen	Kamrath	Nelson, Barnes
Cain	Kolpin	Nelson, Grand F'ks.
Coffey	Kroeber	Stucke
Crandall	Lavik	Thatcher
Ettestad	Lemke	Thorson
Fredrickson	Lian	Topp
Gilbertson	Lowe	Wog
Gronvold	Lynn	Young
Guenther		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Bilden	Owings	Trout
Drew	Skarvold	Vinje
Greene	Strehlow	Watt
Morrison	Streibel	Whelan
Olson		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fine	Hulteng	Williams
Fowler	Mutchler	

So the bill passed and the title was agreed to. The emergency clause was declared lost.

Senator Kroeber moved that the vote by which Senate Bill No. 151 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion lost.

## MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
February 16, 1937.

Mr. President: I have the honor to transmit herewith the following bills:

House Bill No. 217. A Bill for an Act Relating to Foreign Corporations; Providing for Their Admission to Transact Business in This State; for Their Withdrawal from This State; for the Revocation of Their Authority to Transact Business in This State; for Payment by Them of Certain License Fees; for Filing by Them of Annual Reports; for Appointment by Them of Resident Agents for Service of Process; for Service of Process on Foreign Corporations; for Penalties and Liabilities for Violations of This Act; for Filing and Recording of Certificates of Authority Issued Pursuant to This Act, and Their Effect as Evidence; for Payment by Foreign Corporations of Certain Fees to the Secretary of State and to Registers of Deeds; for Application of This Act to Foreign Corporations Heretofore Authorized to Transact Business in This State; Repealing Sections 5240, 5241 and 5242 of the Compiled Laws of North Dakota of 1913; Sections 5238a1, 5238a2 and 5239 of the 1925 Supplement to the Compiled Laws of North Dakota of 1913; and Section 5238 of the 1925 Supplement to the Compiled Laws of North Dakota of 1913, as Amended and Re-enacted by Chapter 99 of the Session Laws of North Dakota of 1929, and All Acts or Parts of Acts in so far as They Conflict Herewith.

Also,

House Bill No. 26. A Bill for an Act Making an Appropriation to Pay the General Maintenance, Improvements and Repairs, Equipment, Miscellaneous and Public Service of the Agricultural College, Fargo, North Dakota.

Also,

House Bill No. 27. A Bill for an Act Making an Appropriation to Pay the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items of the Experiment Station at the Agricultural College, Fargo, North Dakota and its Branch Stations.

Also,

House Bill No. 28. A Bill for an Act Making an Appropriation to Pay the General Maintenance, and as an Offset for Federal Aid, in Extension Division Work of the Agricultural College.

Also,

House Bill No. 106. A Bill for an Act to Amend and Re-enact Sections 2551, 2552, 2553, 2562, 2564 and 2567 of the Compiled Laws of the State of North Dakota for the Year 1913; Providing for Application of Admission to the State



Hospital for the Insane; Providing for the Investigation by the Commissioners of Insanity as to Such Application; Providing for Method of Sending Patients to the State Hospital for the Insane; Defining the Terms "Insane" and "Idiot"; Providing for the Issuance of Warrants of Insanity, or Warrants as to the Requirement of Treatment and/or Observation by the Superintendent of the State Hospital for the Insane; Providing for the Issuance of a Writ of Habeas Corpus in Certain Cases; Repealing All Acts and Parts of Acts in Conflict Therewith, and Declaring an Emergency.

Also,

House Bill No. 107. A Bill for an Act to Amend and Re-enact Section 2572a of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Providing for the Settlement of the Expenses of Patients in the Hospital for the Insane, the Institution for the Feeble-Minded and State Tuberculosis Sanatorium, Between the Various Counties, the State and Such Institutions, Providing for Disputed Claims, Repealing All Acts in Conflict Therewith, and Declaring an Emergency.

Also,

House Bill No. 108. A Bill for an Act to Amend and Re-enact Section 2579 of the 1925 Supplement to the Compiled Laws of the State of North Dakota for 1913, Providing That the Expenses for the Treatment and Maintenance of Insane Persons in the State Hospital for the Insane Shall Be Charged Against the Estate of Such Persons, Providing for the Disposition of Property of Insane Persons, Repealing All Acts in Conflict Therewith and Declaring an Emergency.

Also,

House Bill No. 121. A Bill for the Use of Tax Reports of Public Utilities by the Board of Railroad Commissioners in Determining Valuations for Rate-Making Purposes.

Also,

House Bill No. 122. A Bill for an Act Providing for the Regulation of Public Utilities; Powers and Duties of Railroad Commission; Improper Charges; Reparation.

Also,

House Bill No. 123. A Bill for an Act Relating to Petitions by Patrons and Users of Services of Public Utility Companies for Reduction of Public Utility Rates, Authorizing Negotiations Touching Such Rates, Providing for Temporary Reductions or Increases in Rates, and for Refunds and Reparations, and Jurisdiction and Duties of the Board of Railroad Commissioners, and Declaring an Emergency, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Which the House has passed and your favorable consideration is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

## SECOND READING OF SENATE BILLS

Senate Bill No. 152. A Bill for an Act to Amend and Re-enact Sections 10169a4, and 10169a5 of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, Dealing with the North Dakota Beverage Inspection Act, Defining the Beverages Coming Within the Provisions of That Act, and Fixing the Fee Required to be Paid for Registration of Label Thereof, 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, 19; nays, 23; absent and not voting 7.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Morrison	Thatcher
Bilden	Mutchler	Topp
Brostuen	Nelson, Grand Fks.	Trout
Drew	Owings	Vinje
Kamrath	Skarvold	Watt
Kolpin	Stucke	Wog
Lian		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Gronvold	Lynn
Cain	Guenther	Magoffin
Crandall	Guthrie	Nelson, Barnes
Ettestad	Johnson	Olson
Fowler	Kroeber	Strehlow
Fredrickson	Lavik	Streibel
Gilbertson	Lemke	Young
Greene	Lowe	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Coffey	McGillic	Whelan
Fine	Thorson	Williams
Hulteng		

So the bill was declared lost.

Senator Johnson requested that the Senate return to the Seventh Order of Business, which request was granted.

Senator Johnson moved that the Senate reconsider the vote by which Senate Bill No. 163 was passed, which motion prevailed.

Senator Johnson moved that Senate Bill No. 163 be amended as follows:

Strike out the title of the bill and insert in lieu thereof the following:

"For an Act to create an 'Airmen's Aviation Fund' out of taxes paid on gasoline used for aviation purposes; providing for the expenditure of said fund; repealing all Acts and parts of Acts in conflict herewith".

Strike out all of Sections 1 and 2, and insert in lieu thereof the following:

"Section 1. The State Tax Commissioner is hereby directed to retain one cent per gallon from all refunds granted for taxes paid on gasoline used for the purpose of operating and propelling airplanes and aircraft, which amount shall be paid to the State Treasurer, and by the State Treasurer credited to a fund to be known as the 'Airmen's Aviation Fund.'"

Re-number the remaining sections.

Which motion prevailed.

Senator Johnson moved that the rules be suspended and Senate Bill No. 163 be considered properly re-engrossed, and placed upon Second Reading and Final Passage as amended, which motion prevailed.

Senator Strehlow moved that Senate Bill No. 163 be placed at the foot of the calendar, which motion prevailed.

Senator Whelan requested that the Senate return to the 7th order of business, which request was granted.

Senator Whelan moved that Senate Bill No. 62 be placed at the head of the calendar, which motion prevailed.

Senator Coffey moved that Senate Bill No. 62 be re-referred to the Committee on Insurance, which motion prevailed.

Senate Bill No. 205. A Bill for an Act Empowering the State Public Health Advisory Council to Make, Amend, Repeal and Suspend Public Health Regulations Concerning the Production, Transportation, Processing, Handling, Sampling, Examination, Grading, Labeling, Regrading, and Sale of Milk and Milk Products, the Inspection of Health Certificates on Dairy Herds, Dairies and Milk Plants.

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, 46; nays, 0; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Olson
Bilden	Kamrath	Owings
Blaisdell	Kolpin	Skarvold
Brostuen	Kroeber	Strehlow
Cain	Lavik	Streibel
Coffey	Lemke	Stucke

<b>Messrs.</b>	<b>Messrs.</b>	<b>Messrs.</b>
Crandall	Lian	Thatcher
Drew	Lowe	Thorson
Ettestad	Lynn	Topp
Fowler	Magoffin	Trout
Fredrickson	McGillic	Vinje
Gilbertson	Morrison	Watt
Greene	Mutchler	Whelan
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young
Guthrie		

Absent and not voting:

<b>Messrs.</b>	<b>Messrs.</b>	<b>Messrs.</b>
Fine	Hulteng	Williams

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
February 16, 1937.

Mr. President: I have the honor to inform you that the House has adopted the report of the Conference Committee on House Bill No. 40, also on House Bill No. 42.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

The President called Senator Wog, the President pro tem, to the chair.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 218. A Bill for an Act Providing for the Payment of a Bounty on Crows.

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, 41; nays, 4; absent and not voting, 4.

Those voting in the affirmative were:

<b>Messrs.</b>	<b>Messrs.</b>	<b>Messrs.</b>
Aasen	Kolpin	Skarvold
Bilden	Kroeber	Strehlow
Blaisdell	Lavik	Streibel
Cain	Lemke	Stucke
Coffey	Lowe	Thatcher
Crandall	Lynn	Thorson
Ettestad	Magoffin	Topp
Fowler	McGillic	Trout

Messrs.	Messrs.	Messrs.
Gilbertson	Morrison	Vinje
Greene	Mutchler	Watt
Guenther	Nelson, Barnes	Whelan
Guthrie	Nelson, Grand Fks.	Wog
Johnson	Olson	Young
Kamrath	Owings	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Brostuen	Fredrickson	Gronvold
Drew		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fine	Lian	Williams
Hulteng		

So the bill passed and the title was agreed to and the emergency clause was declared carried.

The President resumed the chair.

Senate Bill No. 170. A Bill for an Act to Impose a Tax Upon Dogs, Providing for Assessment, Levy and Collection Thereof; Providing for the Issuance of License Tags for All Dogs Upon Which Said Tax Is Assessed; Providing for the Determination and Payment of Losses from Tax Collected Thereunder to the Owners of Livestock or Poultry Damaged by Dogs, Wolves, or Coyotes; Providing for the Killing of Dogs, Wolves, or Coyotes in Certain Cases; Providing for the Hearing and Appeal; Imposing Powers and Duties on Certain County Officers and Employees, and Providing Penalties for the Violation of This Act. Repealing All Acts or Parts of Acts in Conflict Herewith 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, 26; nays, 15; absent and not voting, 8.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kolpin	Skarvold
Blaisdell	Lavik	Strehlow
Brostuen	Lemke	Topp
Crandall	Lowe	Trout
Fine	Lynn	Vinje
Fredrickson	McGillic	Watt
Guenther	Morrison	Whelan
Guthrie	Mutchler	Young
Johnson	Nelson, Barnes	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Coffey	Kroeber	Streibel
Drew	Lian	Stucke
Ettestad	Nelson, Grand Fks.	Thatcher
Gilbertson	Olson	Thorson
Greene	Owings	Wog

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Gronvold	Magoffin
Cain	Hulteng	Williams
Fowler	Kamrath	

So the bill passed and the title was agreed to, and the emergency clause was declared lost.

Senator Aasen moved that the vote by which Senate Bill No. 170 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Thatcher: I favor a dog tax but I don't think this is apportioned right, therefore I vote "no."

#### FIRST READING OF HOUSE BILLS

House Bill No. 207. A Bill for an Act to Amend and Re-enact Section 7297 of the Supplement to the 1913 Compiled Laws of North Dakota, as amended by Chapter 165 of the Session Laws of North Dakota for 1927 Relating to Holidays.

Was read the first time and referred to the Committee on Ways and Means.

House Bill No. 212. A Bill for an Act Requiring Certain Matters to Be Considered by the Board of Railroad Commissioners in Determining Rates to Be Allowed to Public Utilities Under Their Jurisdiction.

Was read the first time and referred to the Committee on Railroads.

House Bill No. 229. A Bill for an Act to Repeal Chapter 267 of the 1935 Session Laws, the Same Being an Amendment and Re-enactment of Chapter 94 of the Session Laws of the State of North Dakota for the Year 1929, Relating to the Custodian of the Capitol Building and Grounds, Describing His Duties, Powers and Compensation and Appointing of Such Custodian.

Was read the first time and referred to the Committee on State Affairs.

House Bill No. 217. A Bill for an Act Relating to Foreign Corporations; Providing for Their Admission to Transact Business in This State; for Their Withdrawal from This State; for the Revocation of Their Authority to Transact

Business in This State; for Payment by Them of Certain License Fees; for Filing by Them of Annual Reports; for Appointment by Them of Resident Agents for Service of Process; for Service of Process on Foreign Corporations; for Penalties and Liabilities for Violations of This Act; for Filing and Recording of Certificates of Authority Issued Pursuant to This Act, and Their Effect as Evidence; for Payment by Foreign Corporations of Certain Fees to the Secretary of State and to Registers of Deeds; for Application of This Act to Foreign Corporations Heretofore Authorized to Transact Business in This State; Repealing Sections 5240, 5241 and 5242 of the Compiled Laws of North Dakota of 1913; Sections 5238a1, 5238a2 and 5239 of the 1925 Supplement to the Compiled Laws of North Dakota of 1913; and Section 5238 of the 1925 Supplement to the Compiled Laws of North Dakota of 1913, as Amended and Re-enacted by Chapter 99 of the Session Laws of North Dakota of 1929, and All Acts or Parts of Acts in so far as They Conflict Herewith.

Was read the first time and referred to the Committee on Judiciary.

House Bill No. 26. A Bill for an Act Making an Appropriation to Pay the General Maintenance, Improvements and Repairs, Equipment, Miscellaneous and Public Service of the Agricultural College, Fargo, North Dakota.

Was read the first time and referred to the Committee on Appropriations.

House Bill No. 27. A Bill for an Act Making an Appropriation to Pay the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items of the Experiment Station at the Agricultural College, Fargo, North Dakota and its Branch Stations.

Was read the first time and referred to the Committee on Appropriations.

House Bill No. 28. A Bill for an Act Making an Appropriation to Pay the General Maintenance, and as an Offset for Federal Aid, in Extension Division Work of the Agricultural College.

Was read the first time and referred to the Committee on Appropriations.

House Bill No. 140. A Bill for an Act Relating to Public Utilities, Reports of Public Utilities to the Board of Railroad Commissioners; Valuations of Public Utilities Made by the Board of Railroad Commissioners; Duties of State Board of Equalization and/or State Tax Commissioner.

Was read the first time and referred to the Committee on Railroads.

House Bill No. 137. A Bill for an Act Amending and Re-enacting Section 7812 of the Compiled Laws of North Dakota for the Year 1913, as to the Furnishing of Surety for

Costs in District Court Actions by Plaintiffs Who Are Non-Residents of the State or Foreign Corporations Other Than United States Corporations.

Was read the first time and referred to the Committee on Judiciary.

House Bill No. 136. A Bill for an Act to Amend and Re-enact Sections 5512, 5513, 5514 and 5515 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to Transfer of Interests of Real Estate by Corporations; Repealing All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

Was read the first time and referred to the Committee on Judiciary.

House Bill No. 119. A Bill for an Act Making an Appropriation for the Purpose of Returning to the State Hail Insurance Fund the Money Diverted Therefrom by Chapter 155 of the Session Laws of North Dakota for 1935, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Was read the first time and referred to the Committee on Appropriations.

House Bill No. 166. A Bill for an Act Creating a Fund to Be Known as the Industrial Commission Fund to Be Used by the Industrial Commission of the State of North Dakota for the Payment of Expenses Incurred When Engaged in the Performance of their Duties and Carrying Out the Provisions of Chapter 151 of the Session Laws of North Dakota for the Year 1919 at Places Other Than in the City of Bismarck, North Dakota; Making an Appropriation to Said Fund; and Declaring an Emergency.

Was read the first time and referred to the Committee on Appropriations.

House Bill No. 173. A Bill for an Act to Amend and Re-enact Section 7 of Chapter 152 of the Session Laws of North Dakota for 1935, Relating to the Licensing of Resident Agents for Surety and Insurance Companies Other Than Life Insurance Companies.

Was read the first time and referred to the Committee on Insurance.

House Bill No. 193. A Bill for an Act Requiring Boards of County Commissioners or Any Other Public Board in Poor Relief Cases to Employ Medical, Osteopathic, Chiropractic Physicians, or Other Legally Licensed Practitioners of the State of North Dakota, in Treatment of Indigent Persons According to the Preference of Such Persons; Repealing Acts or Parts of Acts in Conflict Herewith and Declaring an Emergency.

Was read the first time and referred to the Committee on Ways and Means.

House Bill No. 106. A Bill for an Act to Amend and Re-



enact Sections 2551, 2552, 2553, 2562, 2564 and 2567 of the Compiled Laws of the State of North Dakota for the Year 1913; Providing for Application of Admission to the State Hospital for the Insane; Providing for the Investigation by the Commissioners of Insanity as to Such Application; Providing for Method of Sending Patients to the State Hospital for the Insane; Defining the Terms "Insane" and "Idiot"; Providing for the Issuance of Warrants of Insanity, or Warrants as to the Requirement of Treatment and/or Observation by the Superintendent of the State Hospital for the Insane; Providing for the Issuance of a Writ of Habeas Corpus in Certain Cases; Repealing All Acts and Parts of Acts in Conflict Therewith, and Declaring an Emergency.

Was read the first time and referred to the Committee on Public Health.

House Bill No. 107. A Bill for an Act to Amend and Re-enact Section 2572a of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Providing for the Settlement of the Expenses of Patients in the Hospital for the Insane, the Institution for the Feeble-Minded and State Tuberculosis Sanatorium, Between the Various Counties, the State and Such Institutions, Providing for Disputed Claims, Repealing All Acts in Conflict Therewith, and Declaring an Emergency.

Was read the first time and referred to the Committee on Public Health.

House Bill No. 108. A Bill for an Act to Amend and Re-enact Section 2579 of the 1925 Supplement to the Compiled Laws of the State of North Dakota for 1913, Providing That the Expenses for the Treatment and Maintenance of Insane Persons in the State Hospital for the Insane Shall Be Charged Against the Estate of Such Persons, Providing for the Disposition of Property of Insane Persons, Repealing All Acts in Conflict Therewith and Declaring an Emergency.

Was read the first time and referred to the Committee on Public Health.

House Bill No. 121. A Bill for the Use of Tax Reports of Public Utilities by the Board of Railroad Commissioners in Determining Valuations for Rate-Making Purposes.

Was read the first time and referred to the Committee on Railroads.

House Bill No. 122. A Bill for an Act Providing for the Regulation of Public Utilities; Powers and Duties of Railroad Commission; Improper Charges; Reparation.

Was read the first time and referred to the Committee on Railroads.

House Bill No. 123. A Bill for an Act Relating to Petitions by Patrons and Users of Services of Public Utility Companies for Reduction of Public Utility Rates, Authorizing Negotiations Touching Such Rates, Providing for Temporary Reductions or Increases in Rates, and for Refunds and Reparations, and Jurisdiction and Duties of the Board of Railroad

Commissioners, and 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 Railroads.

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign:

House Bill No. 17. A Bill for an Act to Authorize the Board of County Commissioners of the Counties in the State of North Dakota, to Make, Execute and Deliver, on Behalf of the County, Leases and Other Contracts for the Purpose of Mining, and Operating for Oil and Gas, Lay Pipe Lines, and for Establishing and Maintaining Tanks, Power Stations and Structures Thereon, to Produce, Save, Sell and Take Care of Said Products, Together with Power and Authority to Include in the Provisions of Said Leases Any and All Provisions Which Would Be Within the Power of an Individual owner to Make, With Certain Limitations, and Providing for the Distribution of Moneys Received from Said Leases: Repeal: Declaring an Emergency.

Also,

House Bill No. 12. A Bill for an Act Making an Appropriation to Provide Funds for the Maintenance of the North Dakota National Guard or State Militia, as Provided for Under Chapter 35 of the Political Code of the Compiled Laws of North Dakota, for the Year 1913 and Amendments Thereto, and to Meet Other Requirements Prescribed by the Federal Statutes.

Also,

House Bill No. 57. A Bill for an Act Declaring Volunteer Firemen to Be Employees of the Municipalities Which They Serve, and Entitled to the Protection of the Workmen's Compensation Laws of the State; Defining the Term "Volunteer Firemen"; Fixing the Basis of Payment of Benefits Out of the Workmen's Compensation Fund and the Method of Making Assessments of Premiums Against Municipalities.

And the President signed the same in the presence of the Senate.

#### MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 16, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bills:

Senate Bill No. 176. A Bill for an Act to Amend and Re-enact Section 1370, Session Laws of 1911, Chapter 266, as Amended by Chapter 239, Session Laws of 1927.

Also,

Senate Bill No. 185. A Bill for an Act Appropriating the Sum of One Thousand Two Hundred Forty Dollars and Fifty-one Cents (\$1,240.51) from the General Funds of the State of North Dakota to Compensate O. P. Shelstad for the Moneys Paid Out of His Own Funds for Necessary Expenses Incurred as State Dairy Commissioner, for the Payment of Which There was no Appropriation.

Also,

Senate Bill No. 206. A Bill for an Act to Amend and Re-enact Chapter 158, Session Laws of 1933, Relating to Foreclosure of Mortgages by Advertisement.

Also,

Senate Bill No. 208. A Bill for an Act to Amend and Re-enact Chapter 244 of the Session Laws of North Dakota for 1935, Requiring Judgment Creditors to File an Affidavit Identifying the Judgment Debtor, Forbidding Clerks of Court, and Other Officers to Enter Judgments Without Affidavits of Identification, and Providing a Penalty for Failure to Comply With This Law.

Which the Senate has passed and your favorable consideration is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 16, 1937.

Mr. Speaker: I have the honor to return herewith the following bills:

House Bill No. 3. A Bill for an Act Making an Appropriation for the Purpose of Paying Clerkhire and Miscellaneous General Expenses of the North Dakota Procurement Officer, as Provided by Chapter 219, Session Laws of 1935.

Also,

House Bill No. 10. A Bill for an Act Making an Appropriation for the Purpose of Paying Insurance Tax to the Various Fire Departments of the State, in Compliance With the Provisions of Sections 3993 to 3998, Inclusive, of the Compiled Laws of 1913.

Also,

House Bill No. 36. A Bill for an Act Forbidding Compulsory Military Training and Tactics in State Supported Educational Institutions.

Also,

House Bill No. 43. A Bill for an Act Making an Appropriation for the General Maintenance, a New Building, Equip-

ment and Miscellaneous Expenses of the State Hospital for the Insane at Jamestown, North Dakota.

Also,

House Bill No. 142. A Bill for an Act Providing for the Establishment of Voting Precincts in All Special and Independent School Districts; Requiring Establishment of Polling Places for Each 5,000 Inhabitants; Providing for Appointment of Election Officials, Fixing Their Powers, Duties and Compensation and Repealing All Acts or Parts of Acts in Conflict Herewith.

Also,

House Bill No. 16. A Bill for an Act to Encourage the Investment of Capital in the State of North Dakota in Connection with the Business of Securing, Saving, Storing and Refining of Petroleum and Petroleum Products, and to Fix and Determine a method for the Finding and Fixing a Limitation on Valuations Thereof for the Purposes of Taxation.

Also,

House Bill No. 11. A Bill for an Act Making an Appropriation for Acquiring and Maintaining State Parks as Provided for in Chapter 216, Session Laws of 1935.

Also,

House Bill No. 41. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State School for the Blind at Bathgate, North Dakota.

Which the President has signed.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 16, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bills:

Senate Bill No. 66. A Bill for an Act to Regulate the Operation of Pharmacies, Require the Obtaining of Permit Therefor, Prescribing Certain Requirements with Respect Thereto, Providing for Rules and Regulations to Be Formulated by the North Dakota Board of Pharmacy; and Prescribing Penalties for Violation Thereof.

Also,

Senate Bill No. 105. A Bill for an Act to Amend and Re-enact Section 8, of Chapter 108, of the Session Laws of 1935, Relating to Credit Unions in the State of North Dakota.

Also,

Senate Bill No. 173. A Bill for an Act Amending and Re-enacting Section 30, of Chapter 96, of the Session Laws of the State of North Dakota for the Year 1931, Relating to Reserve Funds of State Banking Associations.

Also,

Senate Bill No. 179. A Bill for an Act to Provide for the Conservation, Protection, Improvement and Profitable Use of Agricultural Land Resources of the State of North Dakota and for Co-operation with the Governments and Agencies of Other States and of the United States Pursuant to the Provisions of Section 7 of an Act of the Congress of the United States Known as the Soil Conservation and Domestic Allotment Act, to Assent to and Accept the Provisions of Said Act; and, in Conformity With the Provisions of Said Act, to Designate and Authorize the North Dakota Agricultural College, Extension Service as the State Agency of This State in Conformity With Such Provisions, to Formulate, Submit to the Secretary of Agriculture of the United States, and Administer, State Plans to Carry Out the Provisions of This Act, to Define the Powers and Duties of said State Agency, to Provide for State Committee and Otherwise to Provide for the Administration of This Act.

Also,

Senate Bill No. 142. A Bill for an Act to Amend and Re-enact Chapter 81 of the Session Laws for the Year 1933, Relating to Bonds from Contractors on Public Improvements; Repealing Section 6835 of the Compiled Laws for the Year 1913, and All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Also,

Senate Bill No. 160. A Bill for an Act Prohibiting Chattel Mortgages on Personal Property When Such Mortgage Fails to Specifically Describe the Property Mortgaged or When the Same is Designated by Group; Repealing All Acts or Parts of Acts in Conflict Herewith; and Declaring an Emergency.

Also,

Senate Bill No. 175. A Bill for an Act to Amend an Re-enact Section 1373, Session Laws of 1911, Chapter 266.

Also,

Senate Bill No. 177. A Bill for an Act to Amend and Re-enact Section 1376, Session Laws of 1911, Chapter 266.

Also,

Senate Bill No. 195. A Bill for an Act to Rid the State of a Public Nuisance, Namely Irresponsible Collectors or Collection Agencies who Themselves are Operating Without Sufficient Funds and Who are Unable to Pay their Own Obligations, Yet Who Continually Persist in Cluttering Up the Courts With Garnishment and Attachment Actions, Causing

Many Worthy Individuals with Large Families to Support, to Lose Their Jobs by Useless Litigation.

Also,

Senate Bill No. 202. A Bill for an Act Repealing Sections 7770, 7771, 7772, 7773, 7774, 7775 and 7776 of the Compiled Laws for 1913, Dealing with Amendment of Sheriff and Clerk of Court and Procedure, and Abolishing Amercement Proceedings.

Which the Senate has passed and your favorable consideration is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senator Fine moved that the Senate do now recess until one o'clock P. M. tomorrow, which motion prevailed.

The Senate stood recessed.

#### COURTESIES OF THE FLOOR

The courtesies of the floor were extended to: F. K. McCullough, Bismarck; H. G. Ruemmele, Ashley; Harold Tait, Bismarck; W. F. Burnett, W. J. Johnson, Fargo; John C. Dockter, Fred Docter, Streeter; Hector Mason, Arthur Stromstad, Bert Amdahl, Earl McGovern, Chas. Crank, Carpio.

THOMAS McDONALD,  
Secretary.

FORTY-THIRD DAY AFTER RECESS AND  
FORTY-FOURTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
February 17, 1937.

The Senate convened at 1:00 P. M., pursuant to recess taken, President Thoresen presiding.

Senator Strehlow moved that a five minute recess be taken for the purpose of hearing from the architect, Mr. William F. Kurke, of Fargo, relative to the ventilating system.

Which motion prevailed.

Mr. Kurke explained the ventilating system in the Senate, which he said was the finest that could be obtained. It was impossible to install a ventilating system that would be satisfactory to everyone in the room at all times. The best that could be done was to maintain a temperature of 72 degrees at all times, and supply 1,800 cubic feet of air per hour for each person.

Mr. Kurke said: "We do not have a variable speed motor on the fan, and the air is blown in at a tremendous velocity. This is no fault of the maintenance Engineer or the Superintendent. It will be necessary to install a variable speed pulley on the fan motor in order to regulate the amount of air delivered and the velocity. We are experimenting now, making adjustments. I am assisting Superintendent Nelson, and we will attempt to regulate air conditions so it will be more comfortable. We will recommend to the Board of Administration that a variable speed pulley be purchased before another session."

The Senate reconvened, pursuant to recess taken.

## MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 17, 1937.

Mr. Speaker: I have the honor to inform you that the

Senate has adopted the report of the Conference Committee on House Bill No. 42.

Very respectfully,

THOMAS McDONALD,  
Secretary.

### SECOND READING OF SENATE BILLS

Senate Bill No. 76. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the State Highway Department.

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, 38; nays, 0; absent and not voting, 11.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Olson
Bilden	Guthrie	Owings
Brostuen	Johnson	Skarvold
Cain	Kolpin	Strehlow
Coffey	Kroeber	Streibel
Crandall	Lavik	Stucke
Drew	Lian	Thorson
Ettestad	Lowe	Topp
Fine	Lynn	Vinje
Fowler	Magoffin	Whelan
Fredrickson	McGillic	Wog
Gilbertson	Morrison	Young
Greene	Nelson, Barnes	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Blaisdell	Lemke	Trout
Gronvold	Mutchler	Watt
Hulteng	Nelson, Grand Fks.	Williams
Kamrath	Thatcher	

So the bill passed and the title was agreed to.

Senator McGillic moved that Senate Bill No. 110 be placed at the foot of today's calendar, which motion prevailed.

Senate Bill No. 227. A Bill for an Act Re-establishing the North Dakota Mill and Elevator Association; Providing for the Creation of the Board of Managers and Defining Its Powers, Duties, and Qualifications to Such Board; Providing for the Appointment of an Auditor and for the Filling of Vacancies on Such Board; Providing for Removal of Members of Such Board; Providing for the Organization of Such Board and the Matter of Conducting Business; Providing Procedure in Actions Brought Against Such Association;



Providing for Employees and Bonds; Providing for Examination by the State Examiner and Repealing Chapter 268 of Session Laws of 1931 and Chapter 193 of the Session Laws of 1933.

Was read the second time.

Senator Watt moved that Senate Bill No. 227 be amended as follows:

On page 8 of the printed bill, strike out all of Section 13 and renumber the following sections.

Which motion prevailed.

Senator Watt moved that Senate Bill No. 227 be further amended as follows:

On page 3, line 28 of the printed bill, strike out the figures "\$5,000" and insert the following: "not to exceed \$4,000".

Which motion prevailed.

Senator Nelson of Grand Forks moved that the rules be suspended and Senate Bill No. 227 be considered properly re-engrossed, and placed upon second reading and final passage, as amended, which motion prevailed.

**ROLL CALL**

The question being on the final passage of Senate Bill No. 227, as amended, the roll was called and there were ayes, 29; nays, 16; absent and not voting, 4.

Those voting in the affirmative were:

<b>Messrs.</b>	<b>Messrs.</b>	<b>Messrs.</b>
Aasen	Gronvold	Nelson, Barnes
Blaisdell	Guenther	Nelson, Grand Fks.
Brostuen	Guthrie	Strehlow
Cain	Kroeber	Topp
Coffey	Lavik	Trout
Crandall	Lian	Watt
Drew	Lowe	Whelan
Fowler	Lynn	Wog
Fredrickson	Magoffin	Young
Gilbertson	McGillic	

Those voting in the negative were:

<b>Messrs.</b>	<b>Messrs.</b>	<b>Messrs.</b>
Bilden	Kolpin	Owings
Ettestad	Lemke	Skarvold
Fine	Morrison	Streibel
Greene	Mutchler	Stucke
Johnson	Olson	Thorson
Kamrath		

Absent and not voting:

<b>Messrs.</b>	<b>Messrs.</b>	<b>Messrs.</b>
Hulteng	Vinje	Williams
Thatcher		

So the bill passed and the title was agreed to.

Senator Nelson of Grand Forks moved that the vote by which Senate Bill No. 227 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Johnson moved that Senate Bill No. 163 be placed at the head of the calendar.

Which motion prevailed.

Senate Bill No. 163. A Bill for an Act Providing for the Taxation of Gasoline Sold or Purchased for the Purpose of Operating and Propelling Airplanes and Aircraft, 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, the roll was called and there were ayes, 44; nays, 1; absent and not voting, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Nelson, Grand Fks.
Bilden	Guthrie	Olson
Blaisdell	Johnson	Owings
Brostuen	Kamrath	Skarvold
Cain	Kolpin	Strehlow
Coffey	Lavik	Streibel
Crandall	Lemke	Stucke
Drew	Lian	Thorson
Ettestad	Lowe	Topp
Fine	Lynn	Trout
Fowler	Magoffin	Watt
Fredrickson	McGillic	Whelan
Gilbertson	Morrison	Wog
Greene	Mutchler	Young
Gronvold	Nelson, Barnes	

Those voting in the negative were:

Messrs.  
Kroeber

Absent and not voting:

Messrs.	Messrs.	Messrs.
Hulteng	Vinje	Williams
Thatcher		

So the bill passed and the title was agreed to.

Senator Johnson moved that the vote by which Senate Bill No. 163 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 111. A Bill for an Act Authorizing Municipalities to Acquire, Construct, Re-construct, Improve, Better,

and Extend Certain Revenue-producing Undertakings; to Maintain and Operate the Same and to Prescribe, Revise and Collect Rates, Fees, Tolls, and Charges for the Services, Facilities, and Commodities Furnished Thereby, and, in Anticipation of the Collection of the Revenues Thereof, to Issue Bonds Payable Solely From Such Revenues; Regulating the Issuance of Such Bonds and Providing for Their Payment and for the Rights of the Holders Thereof, and Other Matters Necessary in the Premises; and Declaring an Emergency.

Was read the second time.

Senator Fowler moved that Senate Bill No. 111 be amended as follows:

In Section 4 of the engrossed bill, at line 17, commencing with the words: "Provided, however, that no bonds \* \* \*", strike out said words and the remainder of the Section and insert in lieu thereof the following:

"Provided, however, that no bonds shall be issued by any municipality for the purpose of financing the construction of a new electric light and power plant or distribution system, or for the purchase or acquisition of an existing electric light and power plant or distribution system, or for the construction of extensions to any electric light and power plant or distribution system in excess of 20% of the book value thereof as shown by its books, unless the question of issuing such bonds has been submitted to and has been approved by a majority of the qualified electors of such municipality voting on such question.

"Such question shall be submitted to the electors on a ballot separate from all other ballots and shall be in substantially the following form:

"Shall the \_\_\_\_\_ (Here insert name of municipality) \_\_\_\_\_ issue revenue bonds in the amount of not to exceed \$ \_\_\_\_\_ (here insert maximum amount of bonds) for the purpose of \_\_\_\_\_ (here insert the purpose of issue) \_\_\_\_\_?"

Yes

No

"Such question may be submitted to the qualified electors at any general or municipal election or special election called, held and conducted upon the notice and in the manner specified by law for the election of the governing body of the municipality".

Which motion prevailed.

Senator McGillic moved that the rules be suspended and Senate Bill No. 111 be considered properly re-engrossed, and placed upon Second Reading and Final Passage, as amended, which motion prevailed.

#### ROLL CALL

The question being on the final passage of Senate Bill

No. 111, as amended, the roll was called and there were ayes, 46; nays, 1; absent and not voting 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Johnson	Owings
Blaisdell	Kamrath	Skarvold
Brostuen	Kolpin	Strehlow
Cain	Lavik	Streibel
Coffey	Lemke	Stucke
Crandall	Lian	Thatcher
Drew	Lowe	Thorson
Ettestad	Lynn	Topp
Fine	Magoffin	Trout
Fowler	McGillic	Vinje
Fredrickson	Morrison	Watt
Gilbertson	Mutchler	Whelan
Greene	Nelson, Barnes	Wog
Gronvold	Nelson, Grand Fks.	Young
Guenther		

Those voting in the negative were:

Messrs.  
Kroeber

Absent and not voting:

Messrs.	Messrs.
Hulteng	Williams

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Senator Gronvold moved that the Senate do now adjourn, which motion prevailed. The Senate stood adjourned.

THOMAS McDONALD,  
Secretary.

#### FORTY-FOURTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
February 17, 1937.

The Senate convened at 2:00 p. m. pursuant to adjournment, the President presiding.

Prayer by the Chaplain, Rev. Robert Feehan.

Roll call: All members present except Senators Hulteng and Williams.

Senator Gronvold moved the absent Senators be excused.

Which motion prevailed.

MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
February 17, 1937.

Mr. President: I have the honor to transmit herewith the following bills:

House Bill No. 239. A Bill for an Act to Amend and Re-enact Section 77 of Chapter 168, Session Laws of 1919 Which Also Appears as Section 3084a77 of the 1925 Supplement Governing Coal Mining Near Boundary Lines and Including Therein Coal Mining Near State, County and Township Highways.

Also,

House Bill No. 230. A Bill for an Act Prohibiting Electrical Power Companies From Charging a Deposit Upon Any Meter Installed Upon the Premises of Any User of Current Unless Interest Is Paid Annually Upon Such Deposit.

Also,

House Bill No. 223. A Bill for an Act Making an Appropriation for the Payment of the Expenses to Be Incurred by Boys' and Girls' Club Work at State and District Fairs.

Also,

House Bill No. 189. A Bill for an Act to Amend Section 22, of Chapter 96, of the Session Laws of the State of North Dakota for the Year 1931, Relating to the Responsibility of Shareholders of State Bank Stock.

Also,

House Bill No. 183. A Bill for an Act Authorizing County, Municipal, Township and School Board Officials to Waive the Furnishing of Surety or Personal Bonds, Where Such Funds are Insured in the Federal Deposit Insurance Corporation, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Also,

House Bill No. 162. A Bill for an Act to Amend and Re-enact Section 2844 of the Supplement to the 1913 Compiled Laws of North Dakota as Amended by Chapter 119, Session Laws of 1929, Relating to Licenses of Creameries, Cheese Factories, Process Butter Factories, Ice Cream Factories and Cream Stations; Providing for the Distribution of License Moneys; Repealing Acts in Conflict Herewith and Declaring an Emergency.

Also,

House Bill No. 139. A Bill for an Act to Amend and Re-enact Section 9020 of the Compiled Laws of North Dakota

for the Year 1913, and to Provide for the Furnishing of Surety for Costs by Plaintiffs Who Are Non-Residents or Corporations Other Than United States Corporations; Declaring an Emergency.

Also,

House Bill No. 111. A Bill for an Act to Amend and Re-enact Section 2588 of the 1925 Supplement of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 251 of the Session Laws of North Dakota for 1929, Relating to the Cost of Maintenance of Patients at the North Dakota Tuberculosis Sanatorium, Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Also,

House Bill No. 110. A Bill for an Act to Amend and Re-enact Sections 1716a1 and 1717 of the 1925 Supplement of the Compiled Laws of North Dakota for 1913, Providing That the Cost of Keeping Patients in the Institution for the Feeble-Minded Shall Be a Charge Against the County Sending Such Patient and Against the State, That Persons Liable to Support Such Defective Person Shall, When Able, Pay the Expense of Treatment, Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Also,

House Bill No. 46. A Bill for an Act to Appropriate Money for the Expenses of the Executive, Legislative and Judicial Departments of the State Government, and for Public Schools, Specifying the Amount and Time for Which Such Appropriations Shall Be Available, and Repealing All Acts, or Parts of Acts, Insofar as the Same Shall Relate to Appropriations Conflicting Herewith or to Appropriations for the Same Matters or Purposes Provided for Herein.

Also,

House Bill No. 33. A Bill for an Act to Establish Cream Grading and Testing; to Establish Grades of Cream Quality, Methods for Determining Such Grades and Provisions to Insure the Purchase of Cream on the Basis of Such Grade; to Establish Equitable Differentials of Value Between Grades; Establishing Necessary Licensing Provisions; Providing Penalties for Violation of the Act and Repealing Acts or Parts of Acts in Conflict Herewith.

Also,

House Bill No. 252. A Bill for an Act Providing for the Payment to a Retail Implement Dealer of Certain Sums for All Stock of Farming Implements and Repairs for Farm Implements Upon the Cancellation of Any Contract Between Such Retail Implement Dealer and the Manufacturer, Wholesaler, or Distributor of Farm Implements, Machinery and Repair Parts for Farm Implements and Farm Machinery.

Which the House has passed and your favorable consideration is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### REPORT OF COMMITTEE ON REVISION AND CORRECTION OF THE JOURNAL

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 Forty-third Day and recommend that the same be corrected as follows:

On page 781, line 8, strike out the word "seven" and insert the word "seventy."

On page 782, line 2, strike out the figures "136" and insert the figures "135."

And when so corrected recommend that the same be approved.

C. C. MORRISON,  
Chairman.

Senator Young moved that the report be adopted, which motion prevailed and the report was adopted.

#### PETITIONS AND COMMUNICATIONS

The following petitions and communications were received and referred to the appropriate committees:

A petition signed by 22 citizens of Ross and Manitou, requesting passage of House Bill No. 193.

A telegram signed by members of the Board of Education of Oakes, asking passage of House Bill No. 168 without change; passage of Senate Bills No. 156 and 158; and defeat of Senate Bill No. 82 and Concurrent Resolution "K."

Petitions signed by 128 residents of Renville County asking such legislative action as might be necessary to abate 50% of 1935 hail tax, and resolutions to the same effect adopted by the Board of County Commissioners of Renville County.

A communication from the Workmen's Compensation Bureau addressed to the President of the Senate, relative to Bond Investigation. Referred to the Special Investigating Committee.

A communication, presented by Senator Whelan, signed by 84 citizens of Walhalla urging passage of the County Option bill.

## MESSAGE FROM THE GOVERNOR

State of North Dakota

OFFICE OF THE GOVERNOR

Bismarck

February 16, 1937.

To the Members of the Senate,

Twenty-fifth Legislative Assembly:

Gentlemen:

This is to inform you that I have signed:

House Bill No. 10. A Bill for an Act Making an Appropriation for the Purpose of Paying Insurance Tax to the Various Fire Departments of the State, in Compliance With the Provisions of Sections 3993 to 3998, Inclusive, of the Compiled Laws of 1913.

On February 16, at 2:50 P. M.

House Bill No. 36. A Bill for an Act Forbidding Compulsory Military Training and Tactics in State Supported Educational Institutions.

On February 16, at 2:31 P. M.

House Bill No. 41. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State School for the Blind at Bathgate, North Dakota.

On February 16, at 2:52 P. M.

Senate Bill No. 93. A Bill for an Act to Amend and Re-enact Section Four (4) of Chapter 104 of the Laws of North Dakota for the Year 1933, Relating to the Granting and Revocation of Licenses to Practice Dentistry, Setting Forth the Grounds for the Revocation Thereof and Defining Unprofessional Conduct.

On February 16, at 11:15 A. M.

The above named bills have been delivered to the Secretary of State.

Respectfully,

WILLIAM LANGER,  
Governor.

WL:JEB

## MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 17, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bills:



Senate Bill No. 163. A Bill for an Act Providing for the Taxation of Gasoline Sold or Purchased for the Purpose of Operating and Propelling Airplanes and Aircraft, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Also,

Senate Bill No. 158. A Bill for an Act to Provide for the Attendance of Non-Resident Students at the Public Schools of This State; to Regulate the Terms of Their Admission; and to Permit the Payment by School Boards of Tuition, Transportation, Board and Lodging of Resident Students Attending Other Schools.

Which the Senate has passed and your favorable consideration is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
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. 163. A Bill for an Act Providing for the Taxation of Gasoline Sold or Purchased for the Purpose of Operating and Propelling Airplanes and Aircraft, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Also,

Senate Bill No. 235. A Bill for an Act Establishing a State Board of Public Finance, Setting Out the Membership Thereof, Defining the Duties of Such Board, Making It Unlawful for Any State Officer, Superintendent, Manager or Head of Any State Department to Purchase or Sell Securities for or on Behalf of the State and Providing a Penalty Therefor; Repealing All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

Also,

Senate Bill No. 118. A Bill for an Act Making an Appropriation for Salaries and Expenses of the State Geological Survey and for Co-operation of United States Geological Survey.

Also,

Senate Bill No. 158. A Bill for an Act to Provide for the Attendance of Non-Resident Students at the Public Schools of This State; to Regulate the Terms of Their Admission; and to Permit the Payment by School Boards

of Tuition, Transportation, Board and Lodging of Resident Students Attending Other Schools.

Also,

Senate Bill No. 213. A Bill for an Act to Amend and Re-enact Section 2093 of the Supplement to the Compiled Laws of 1913, Defining Manner of Listing Real and Personal Property and Declaring an Emergency.

And find the same correctly engrossed.

WILLIAM KROEBER,  
Chairman.

Senator Kroeber moved that the report be adopted, which motion prevailed, and the report was adopted.

#### MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 17, 1937.

Mr. Speaker: I have the honor to transmit herewith the following:

SENATE CONCURRENT RESOLUTION "H".

Also,

SENATE CONCURRENT RESOLUTION "P".

Also,

SENATE CONCURRENT RESOLUTION "O".

Which the Senate has adopted.

Also,

Senate Bill No. 214. A Bill for an Act to Amend and Re-enact Section 3314a6 of the Supplement to the Compiled Laws of 1913, Providing that all Expenditures Must Conform to the County Budget as Adopted; Providing that no Bill Incurred in Excess of Any Budget Item May Be Paid or Included in Any Succeeding Appropriation or Budget, and Defining Duties of County Auditor.

Also,

Senate Bill No. 232. A Bill for an Act to Amend and Re-enact Section 959 of the Supplement to the Compiled Laws of 1913 Relating to Election Ballots.

Also,

Senate Bill No. 128. A Bill for an Act Making an Appropriation for the Purpose of Paying the Salary of an Executive Director, Stenographic Employees and Miscellaneous General Expenses of the State Planning Board.

Also,

Senate Bill No. 167. A Bill for an Act to Amend and Re-enact Section 1 of Chapter 236 of the Session Laws of the State of North Dakota for the Year 1933, Relating to Common School Transportation; and Declaring an Emergency.

Also,

Senate Bill No. 168. A Bill for an Act to Create, Define and Establish "Airmen's Association of the State of North Dakota," Providing for the Creation of a Fund for the Use of Said Association to be Known as "Airmen's Aviation Fund."

Which the Senate has passed and your favorable consideration is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 17, 1937.

Mr. Speaker: I have the honor to return herewith the following bills:

House Bill No. 12. A Bill for an Act Making an Appropriation to Provide Funds for the Maintenance of the North Dakota National Guard or State Militia, as Provided for Under Chapter 35 of the Political Code of the Compiled Laws of North Dakota, for the Year 1913 and Amendments Thereto, and to Meet Other Requirements Prescribed by the Federal Statutes.

Also,

House Bill No. 57. A Bill for an Act Declaring Volunteer Firemen to Be Employees of the Municipalities Which They Serve, and Entitled to the Protection of the Workmen's Compensation Laws of the State; Defining the Term "Volunteer Firemen"; Fixing the Basis of Payment of Benefits Out of the Workmen's Compensation Fund and the Method of Making Assessments of Premiums Against Municipalities.

Also,

House Bill No. 17. A Bill for an Act to Authorize the Board of County Commissioners of the Counties in the State of North Dakota, to Make, Execute and Deliver, on Behalf of the County, Leases and Other Contracts for the Purpose of Mining, and Operating for Oil and Gas, Lay Pipe Lines, and for Establishing and Maintaining Tanks, Power Stations and Structures Thereon, to Produce, Save, Sell and Take Care of Said Products, Together with Power and Authority to Include in the Provisions of Said Leases Any and All Provisions Which Would Be Within the Power of an Individual owner to Make, With Certain Limitations, and Providing for the Dis-

tribution of Moneys Received from Said Leases: Repeal:  
Declaring an Emergency.

Which the President has signed.

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### REPORTS OF STANDING COMMITTEES

A Minority of the Committee on Taxes and Tax Laws made the following report:

Mr. President: A Minority of Your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 13, have had the same under consideration and recommend that the same be indefinitely postponed.

A. W. FOWLER  
OLE ETTESTAD  
G. F. DREW  
J. K. BROSTUEN

A Majority of the Committee on Taxes and Tax Laws made the following report:

Mr. President: A Majority of Your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 13, have had the same under consideration and recommend that the same be amended as follows:

In the printed bill, Section 7, page 5, at the end of line 6 after the word "management", strike out the period and insert in lieu thereof a comma and add the following: "Provided, however, that the provisions of this Act shall not be construed to apply to cooperatives owned and operated by purely co-operative corporations or associations".

Section 8, page 5, line 8, strike out the period, and insert in lieu thereof a comma and add the following: "Provided, however, that the term "store" as herein defined shall not be held to include any place of business commonly known as a lumberyard. Provided further that when the business property is owned by the parent supplying company and is leased or commissioned to the retailer and that retailer displays the national advertising of his supplies, such store shall be classed as a member of the suppliers chain".

And when so amended recommend the same do pass.

TOM WHELAN  
J. P. CAIN  
W. J. TROUT  
AXEL OLSON  
WILLIAM KAMRATH  
GEORGE V. COFFEY  
J. T. MCGILLIC  
JOHN CRANDALL

Senator Whelan moved that the majority report be adopted.

Senator Brostuen moved, as a substitute motion, that the report of the minority be substituted for the report of the majority.

Roll call demanded and granted.

**ROLL CALL**

The question being on the adoption of the minority report for indefinite postponement of Senate Bill No. 13, the roll was called and there were ayes, 10; nays, 37; absent and not voting 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Brostuen	Fredrickson	Mutchler
Drew	Gilbertson	Owings
Ettestad	Lynn	Wog
Fowler		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Kolpin	Skarvold
Bilden	Kroeber	Strehlow
Blaisdell	Lavik	Streibel
Cain	Lemke	Stucke
Coffey	Lian	Thatcher
Crandall	Low	Thorson
Fine	Magoffin	Topp
Greene	McGillic	Trout
Gronvold	Morrison	Vinje
Guenther	Nelson, Barnes	Watt
Guthrie	Nelson, Grand Fks.	Whelan
Johnson	Olson	Young
Kamrath		

Absent and not voting:

Messrs.	Messrs.
Hulteng	Williams

So the motion was declared lost.

The question then being on the motion of Senator Whelan that the report of the majority be adopted, the motion prevailed and the report was adopted.

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 26, have had the same under consideration and recommend that the same do pass.

B. W. LEMKE,  
Chairman.

Senator Lemke moved that the report be adopted, which motion prevailed and the report was adopted.

At this time the Senate resumed consideration of the committee report on Senate Bill No. 24.

The question being on the motion of Senator Wog that the report be adopted, the motion prevailed and the report was adopted.

The Senate resumed consideration of Senate Bill No. 79.

The question being on the motion of Senator Wog that the report be adopted, the motion prevailed and the report was adopted.

The Committee on Taxes and Tax Laws made the following report:

Mr. President: Your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 63.

Have had the same under consideration and recommend that the same be amended as follows:

In line 9, Section 1, of the original bill, correct the spelling of the word "penal."

In line 17, Section 1, of the original bill, correct the spelling of the word "penal."

Page 7, Section 6, of the printed bill, line 5, strike out the figure "6c" and insert in lieu thereof "5c."

Section 7, page 8, line 24, of the printed bill, after the word "office" strike out the period and insert a semi-colon, and add the following: "Provided, however, that the sheriff shall be entitled to receive and retain fifty per cent of all fines collected in cash by him."

Page 13, of the printed bill change Section 14 to Section 13.

And when so amended recommend the same do pass.

J. K. BROSTUEN,  
Chairman.

Senator Brostuen moved that the report be adopted, which motion prevailed and the report was adopted.

A minority of the Committee on Taxes and Tax Laws made the following report:

Mr. President: A minority of your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 82.

Have had the same under consideration and recommend that the same be indefinitely postponed.

J. P. CAIN  
A. W. FOWLER  
GEORGE V. COFFEY  
OLE ETTESTAD  
J. K. BROSTUEN

A majority of the Committee on Taxes and Tax Laws made the following report:

Mr. President: A majority of your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 82.

Have had the same under consideration and recommend that the same do pass.

AXEL OLSON  
WILLIAM KAMRATH  
O. E. BILDEN  
ED GREENE  
J. T. MCGILLIC  
TOM WHELAN  
W. J. TROUT  
GUST WOG

Senator Olson moved that the majority report be adopted.

Senator Brostuen moved, as a substitute motion, that the report of the minority be substituted for the report of the majority.

Roll call demanded and granted.

ROLL CALL

The question being on the adoption of the minority report for indefinite postponement of Senate Bill No. 82, the roll was called and there were ayes, 23; nays 23; absent and not voting 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Gilbertson	Lian
Brostuen	Gronvold	Lowe
Cain	Guenther	Magoffin
Coffey	Guthrie	Nelson, Barnes
Drew	Johnson	Nelson, Grand Fks.
Ettestad	Kolpin	Vinje
Fowler	Kroeber	Watt
Fredrickson	Lavik	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Bilden	McGillic	Stucke
Blaisdell	Morrison	Thorson
Crandall	Mutchler	Topp
Fine	Olson	Trout
Greene	Owings	Whelan
Kamrath	Skarvold	Wog
Lemke	Strehlow	Young
Lynn	Streibel	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Hulteng	Thatcher	Williams

The roll call resulting in a tie vote, the President voted "aye."

So the motion was declared carried.

Senator Cain: It occurs to me that the theory set forth in this law might be workable but the present law is absolutely unworkable. According to its terms you would have to have an army of appraisers and investigators before any tax could be levied. For that reason I vote "aye."

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 124,

Have had the same under consideration and recommend that the same be amended as follows:

On page 2 of the printed bill, in Section 3, in lines 4 and 5, strike out the words and figures "Twenty-five Hundred Dollars (\$2,500.00) per year, to be paid monthly" and insert in lieu thereof the words and figures "Two Hundred Dollars (\$200.00) per month".

On page 5, Section 9, in line 3, strike out the words and figures "Five Thousand Dollars (\$5,000.00)" and insert in lieu thereof the words and figures "Four Thousand Dollars (\$4,000.00)".

And when so amended recommend the same do pass.

B. W. LEMKE,  
Chairman.

Senator Lemke moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Taxes and Tax Laws made the following report:

Mr. President: Your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 127,

Have had the same under consideration and recommend that the same be indefinitely postponed.

J. K. BROSTUEN,  
Chairman.

Senator Brostuen moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Agriculture and Livestock made the following report:

Mr. President: Your Committee on Agriculture and Livestock to whom was referred Senate Bill No. 153,

Have had the same under consideration and recommend that the same do pass.

HERMAN THORSON,  
Chairman.



Senator Thorson moved that the report be adopted, which motion prevailed and the report was adopted.

At this time the Senate resumed consideration of the Committee report on Senate Bill No. 120. The question being on the motion of Senator Wog that the report be adopted, the motion prevailed and the report was adopted.

The Senate also resumed consideration of the Committee report on Senate Bill No. 141. The question being on the motion of Senator Vinje that the report be adopted, the motion prevailed and the report was adopted.

A minority of the Committee on Education made the following report:

Mr. President: A minority of your Committee on Education to whom was referred Senate Bill No. 156,

Have had the same under consideration and recommend that the same do pass.

W. J. TROUT,  
E. MAGOFFIN,  
E. T. MUTCHLER.  
C. W. FINE,  
Chairman.

A majority of the Committee on Education made the following report:

Mr. President: A majority of your committee on Education to whom was referred Senate Bill No. 156,

Have had the same under consideration and recommend that the same be indefinitely postponed.

ANDREW SKARVOLD,  
JOHN CRANDALL,  
ED. LIAN,  
G. F. DREW,  
TOM WHELAN,  
C. W. FINE,  
R. M. STREIBEL,  
SYVER VINJE.  
C. W. FINE,  
Chairman.

Senator Lian moved that the report of the majority be adopted.

Senator Mutchler moved, as a substitute motion, that the report of the minority be substituted for the report of the majority, which motion was lost.

The question being on the motion of Senator Lian that the majority report be adopted, the motion prevailed and the report was adopted.

The Minority of the Committee on Education, made the following report:

Mr. President: A Minority of Your Committee on Edu-

cation to whom was referred Senate Bill No. 155, have had the same under consideration and recommend that the same do pass.

W. J. TROUT  
E. MAGOFFIN  
E. F. MUTCHLER  
E. MAGOFFIN,  
Chairman,

The Majority of the Committee on Education made the following report:

Mr. President: A Majority of Your Committee on Education to whom was referred Senate Bill No. 155, have had the same under consideration and recommend that the same be indefinitely postponed.

ANDREW SKARVOLD  
JOHN CRANDALL  
TOM WHELAN  
ED. LIAN  
G. F. DREW  
C. W. FINE  
R. M. STREIBEL  
SYVER VINJE

Senator Lian moved that the report of the Majority be adopted.

Senator Mutchler moved, as a substitute motion, that the report of the minority be substituted for the report of the majority, which motion was lost.

The question being on the motion of Senator Lian that the majority report be adopted, the motion prevailed and the report was adopted.

Senator Lian moved that the Senate do now recess for 10 minutes, which motion prevailed.

The Senate reconvened pursuant to recess taken.

#### REPORTS OF STANDING COMMITTEES

The Committee on Women's and Children's Welfare made the following report:

Mr. President: Your Committee on Women's and Children's Welfare to whom was referred Senate Bill No. 161, have had the same under consideration and recommend that the same be amended as follows:

In line 32 on page 3, Section 4, of the printed bill, strike out after the word "appropriated" the words "by this Act" and insert in lieu thereof the words "to it".

In line 3, page 4, Section 5, of printed bill, strike out the words "under this Act" after the word "appropriated" and insert in lieu thereof the words "to it".

Strike out the entire Section 11.

In line 1 of Section 12 of the printed bill, change the figure "12" to "11".

And when so amended recommend the same do pass.

SYVER VINJE,  
Chairman.

Senator Vinje moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 178:

Have had the same under consideration and recommend that the same be amended as follows:

After the words "A BILL", strike out everything, and insert in lieu thereof the following:

"For an Act Making an Appropriation for Improvements and Repairs at the North Dakota Soldiers' Home at Lisbon, North Dakota, and Declaring an Emergency.

"Be it Enacted by the Legislative Assembly of the State of North Dakota:

"Section 1. APPROPRIATION.) There is hereby appropriated out of any monies in the State Treasury not otherwise appropriated, the sum of \$28,000.00 or so much thereof as may be necessary to pay for improvements, building and repairs including well or wells and sewer at the North Dakota Soldiers' Home at Lisbon, North Dakota, for the biennium beginning July 1, 1937, and ending June 30, 1939.

"Section 2. OTHER FUNDS—POWER AND DUTIES OF THE BOARD OF TRUSTEES OF THE SOLDIERS' HOME.) The Board of Trustees of the Soldiers' Home shall have the authority to expend the amount here appropriated or so much thereof as may be necessary for the purposes set forth in Section 1, herein. The Board of Trustees of the Soldiers' Home may also enter into any agreement relative to any funds, labor and/or material, which may be obtained from the Federal Government or any of its agencies, for the purpose of assisting in the construction of such improvements, building and repairs, which funds, labor and/or material, may then be added to the appropriation hereby made therefor, such agreement to conform with the rules and regulations of the Federal Government or its agencies incident to obtaining such funds, labor and/or material, and in case such funds, labor and/or material shall be procured, then the total cost of said improvements, building and repairs may, in the discretion of the Board, exceed the amount hereby appropriated therefor, to the extent of the Federal aid, grant or assistance procured under the provisions of this Act; provided however, that the total disbursements to be made out of State monies in the construction and equipment of said improvements, building and repairs shall in no case exceed the amount hereby appropriated therefor.

“Section 3. 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.

B. W. LEMKE,  
Chairman.

Senator Lemke moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Agriculture and Livestock made the following report:

Mr. President: Your Committee on Agriculture and Livestock to whom was referred Senate Bill No. 184, have had the same under consideration and recommend that the same be indefinitely postponed.

HERMAN THORSON,  
Chairman.

Senator Thorson moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Agriculture and Livestock made the following report:

Mr. President: Your Committee on Agriculture and Livestock to whom was referred Senate Bill No. 187, have had the same under consideration and recommend that the same be amended as follows:

Strike out all after the words “A BILL” and insert in lieu thereof the following language:

“For an Act to Provide for an Advisory Council in Each County to Confer With and Direct Each County Agent in His Work Program for the Year, Providing for Selection of Such Council, Methods of Operation, and Giving Such Council Power to Demand Removal of Such County Agent and Providing for Hearing on Such Demand, and Repealing All Acts or Parts of Acts in Conflict Herewith.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY  
OR THE STATE OF NORTH DAKOTA:

Section 1. ADVISORY COUNCIL.—HOW ELECTED.) After the passage of this Act, the Cooperative Extension Department of the Agricultural College, together with the Board of County Commissioners for each county, shall zone the counties of the state, each county into six (6) zones with an equal number of townships in each zone. The Board of County Commissioners in each county shall call once a year, in a convenient community center, a public mass meeting of the electors of each of the six (6) zones, for the purpose of electing one member of the Advisory Council for each zone, said member to be an active farmer residing in said zone. Notice of said public mass meeting shall be published in the local official newspaper for two consecutive issues pre-

vious to the date of such public mass meeting. One member of the Board of County Commissioners shall preside at the election of such mass meeting, and the election thus held shall be by ballot. The six (6) members thus elected, together with one member of the Board of the County Commissioners, as the seventh member, shall constitute the Advisory Council of that county. The six farmer members of the Advisory Council shall be paid \$5.00 per meeting and (5c) five cents per mile for mileage to and from official meetings of the council, said mileage to be paid out of the County Agent's funds upon the presentation of vouchers duly approved and ordered by the Board of County Commissioners, provided, however, in no case shall mileage be allowed to any member for more than four meetings in any one calendar year.

**Section 2. ADVISORY COUNCIL—ORGANIZATION—POWERS.)** Within ten days after the selection of said Advisory Council the chairman of the Board of County Commissioners in each county, shall call a meeting of said council at the county court house for the purpose of organizing the council. The council shall at such meeting select from its own members, a president, a vice-president, and a secretary. After the Advisory Council is thus organized the council itself shall be empowered to call meetings on its own accord, but not to exceed four meetings per year, as stipulated in Section 1 of this Act.

**Section 3. DUTIES.)** At the public mass meetings called for election of members of the Advisory Council each year, in each county, there shall be held an open Forum for the purpose of discussing plans for a suitable program of cooperative extension work for such county for the current year, the County Agent to take part in such discussion. After the Advisory Council is elected and properly organized the council shall review the proposed plans as adopted at these public mass meetings and out of these suggested plans select and adopt what they consider is suitable for a cooperative extension work program for that county during the current year. The County Agent shall take part in the discussion of these proposed plans but shall have no vote in the final adoption of the plan selected by the Advisory Council. After the Advisory Council has adopted its program for cooperative extension work for the county for the current year, such program shall be approved by the Cooperative Extension Department of the Agricultural College, and when so approved such program shall become the authorized cooperative extension work program for that county for that year; and it shall be obligatory for the County Agent of such county to put into effect as much of this approved program as can be reasonably expected of him to do.

**Section 4. REMOVAL OF COUNTY AGENT.)** At any time when the Advisory Council feels that the success of the adopted and approved program of cooperative extension work for the county is handicapped by the County Agent of said county, the Advisory Council shall be empowered to demand of the Cooperative Extension Department of the

Agricultural College and the Board of County Commissioners, that said County Agent be removed, and that a joint meeting be arranged within 30 days after such demand between the Advisory Council, the Cooperative Extension Department and the Board of County Commissioners as set forth in Section 3259a of the 1925 Supplement to the Compiled Laws for 1913.

Section 5. REPEAL.) All Acts or parts of Acts in conflict herewith are hereby repealed.

And when so amended recommend the same do pass.

HERMAN THORSON,  
Chairman.

Senator Thorson moved that the amendments be printed in the Journal, and that further consideration of Senate Bill No. 187 be deferred one legislative day.

Which motion prevailed.

The Committee on State Affairs made the following report:

Mr. President: Your Committee on State Affairs to whom was referred Senate Bill No. 188.

Have had the same under consideration and recommend that the same be indefinitely postponed.

G. F. DREW,  
Chairman.

Senator Johnson moved that the report be adopted, which motion prevailed and the report was adopted.

A minority of the Committee on Taxes and Tax Laws made the following report:

Mr. President: A minority of your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 197.

Have had the same under consideration and recommend that the same be indefinitely postponed.

J. P. CAIN  
A. W. FOWLER  
GEORGE V. COFFEY  
G. F. DREW  
J. K. BROSTUEN

A majority of the Committee on Taxes and Tax Laws made the following report:

Mr. President: A majority of your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 197.

Have had the same under consideration and recommend that the same do pass.

AXEL OLSON  
WILLIAM KAMRATH  
O. E. BILDEN  
ED. GREENE  
J. T. MCGILLIC  
TOM WHELAN  
W. J. TROUT  
OLE ETTESTAD  
GUST WOG

Senator Wog moved that the majority report be adopted.

Senator Brostuen moved, as a substitute motion, that the report of the minority be substituted for the report of the majority, which motion prevailed and Senate Bill No. 197 was indefinitely postponed.

The Committee on Taxes and Tax Laws made the following report:

Mr. President: Your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 198.

Have had the same under consideration and recommend that the same be amended as follows:

Page 3, Sub-section b, strike out the period and insert a semi-colon, and add the following: "such statement shall also show the full amount of all delinquent personal property taxes owed by such taxpayer."

And when so amended recommend the same do pass.

J. K. BROSTUEN,  
Chairman.

Senator Brostuen moved that the report be adopted, which motion prevailed and the report was adopted.

A minority of the Committee on Taxes and Tax Laws made the following report:

Mr. President: A minority of your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 204.

Have had the same under consideration and recommend that the same be indefinitely postponed.

J. P. CAIN  
A. W. FOWLER  
GEORGE V. COFFEY  
G. F. DREW

A majority of the committee on Taxes and Tax Laws made the following report:

Mr. President: A majority of your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 204.

Have had the same under consideration and recommend that the same do pass.

AXEL OLSON  
WILLIAM KAMRATH  
O. E. BILDEN  
ED. GREENE  
J. T. MCGILLIC  
TOM WHELAN  
W. J. TROUT  
OLE ETTESTAD  
GUST WOG  
J. K. BROSTUEN  
Chairman.

Senator Brostuen moved that the report of the majority be adopted.

Senator Cain moved, as a substitute motion, that the report of the minority be substituted for the report of the majority.

Which motion was lost.

The question being on the motion of Senator Brostuen that the report of the majority be adopted, the motion prevailed and the report was adopted.

The Committee on Temperance made the following report:

Mr. President: Your Committee on Temperance to whom was referred Senate Bill No. 236,

Have had the same under consideration and recommend that the same be indefinitely postponed.

OLE ETTESTAD,  
Chairman.

Senator Ettestad moved that the report be adopted.

Senator Young moved as a substitute motion, that Senate Bill No. 236 be recommended for passage.

Senator Mutchler moved that Senate Bill No. 236 be amended by striking out the following language in line 4 of Section 1: "those selling only beer and licensed under the Beer Law of this State".

Senator Fine moved that the motion of Senator Ettestad to adopt the Committee report be laid on the table, which motion prevailed.

Senator Fowler moved that the Senate reconsider the vote by which the motion of Senator Ettestad was laid on the table, which motion prevailed.

The question being on the motion of Senator Ettestad, that the committee report be adopted, the motion lost.

Senator Watt moved that Senate Bill No. 236 be placed on the calendar, which motion prevailed.

Senator Brostuen moved that Senate Bill No. 236 be placed at the foot of the calendar, which motion prevailed.

The Committee on Education made the following report:

Mr. President: Your Committee on Education to whom was referred Senate Bill No. 243,

Have had the same under consideration and recommend that the same do pass.

C. W. FINE,  
Chairman.

Senator Trout moved that the report be adopted, which motion prevailed and the report was adopted.



Senate Bill No. 243 was re-referred to the Committee on Appropriations.

The Committee on Education made the following report:

Mr. President: Your Committee on Education to whom was referred House Bill No. 160,

Have had the same under consideration and recommend that the same do pass.

C. W. FINE,  
Chairman.

Senator Skarvold moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Education made the following report:

Mr. President: Your Committee on Education to whom was referred House Bill No. 170,

Have had the same under consideration and recommend that the same do pass.

C. W. FINE,  
Chairman.

Senator Trout moved that the report be adopted, which motion prevailed and the report was adopted.

A minority of the Committee on State Affairs made the following report:

Mr. President: A Minority of Your Committee on State Affairs to whom was referred House Bill No. 179, have had the same under consideration and recommend that the same be indefinitely postponed.

R. A. OWINGS  
AXEL OLSON

A majority of the Committee on State Affairs made the following report:

Mr. President: A Majority of Your Committee on State Affairs to whom was referred House Bill No. 179, have had the same under consideration and recommend that the same do pass.

J. P. CAIN  
C. C. MORRISON  
A. N. LAVIK  
MELVIN R. JOHNSON  
A. W. FOWLER  
MAX H. STREHLOW  
HARRY C. LYNN  
WM. WATT  
N. N. NELSON  
J. T. MCGILLIC  
ANDREW SKARVOLD  
TOM WHELAN  
G. F. DREW  
Chairman.

Senator Lynn moved that the report of the majority be adopted, which motion prevailed and the report was adopted.

A minority of the Committee on State Affairs made the following report:

Mr. President: A minority of your Committee on State Affairs to whom was referred House Bill No. 229, have had the same under consideration and recommend that the same be indefinitely postponed.

J. P. CAIN  
A. N. LAVIK  
A. W. FOWLER  
HARRY C. LYNN  
N. N. NELSON  
TOM WHELAN

A majority of the Committee on State Affairs made the following report:

Mr. President: A majority of your Committee on State Affairs to whom was referred House Bill No. 229, have had the same under consideration and recommend that the same do pass.

C. C. MORRISON  
MELVIN R. JOHNSON  
MAX H. STREHLOW  
R. A. OWINGS  
AXEL OLSON  
J. T. MCGILLIC  
ANDREW SKARVOLD

Senator Owings moved that the report of the Majority be adopted, which motion prevailed and the report was adopted.

The Committee on Agriculture and Livestock made the following report:

Mr. President: Your Committee on Agriculture and Livestock to whom was referred:

HOUSE CONCURRENT RESOLUTION "U".

Have had the same under consideration and recommend that the same be adopted.

HERMAN THORSON,  
Chairman.

Senator Thorson moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Whelan moved that the Senate reconsider the vote by which Senate Bill No. 163 was passed, which motion prevailed.

Senator Whelan moved that Senate Bill No. 163 be referred to the Committee on State Affairs, which motion prevailed.

Senator Stucke moved that the vote by which Senate Bill No. 151 was passed be reconsidered.

Which motion prevailed.

Senator Strehlow moved that Senate Bill No. 151 be amended as follows:

In line 18 of the printed bill after the word "of" strike out the words "thirty-five dollars", and insert in lieu thereof the words "one hundred dollars".

In line 19 of the printed bill after the word "of" strike out the words "seventy-five dollars" and insert in lieu thereof the words "two hundred dollars".

Which motion prevailed.

Senator Strehlow moved that the rules be suspended and Senate Bill No. 151 be considered properly re-engrossed, and placed upon Second Reading and Final Passage, as amended, which motion prevailed.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 151. A Bill for an Act to Authorize, Regulate and Control the Transportation, Importation, Handling, Possession, Purchase, Sale and Dispensing of Alcohol and Alcoholic Beverages, as Now Defined by Law, in This State by Common Carriers, Providing for the Method of Taxing and Licensing Alcohol and Alcoholic Beverages When Handled and Sold by Common Carriers, and of Expending and Distributing the Revenues from Such Taxes and Licenses, and Providing Penalties for the Violation of This Act; 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, 8; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Mutchler
Blaisdell	Johnson	Nelson, Barnes
Brostuen	Kamrath	Nelson, Grand Fks.
Cain	Kolpin	Strehlow
Coffey	Kroeber	Stucke
Crandall	Lavik	Thatcher
Drew	Lemke	Thorson
Ettestad	Lian	Trout
Fredrickson	Lynn	Watt
Gilbertson	Magoffin	Whelan
Gronvold	McGillic	Wog
Guenther	Morrison	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Bilden	Olson	Streibel
Fine	Owings	Vinje
Greene	Skarvold	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fowler	Lowe	Williams
Hulteng	Topp	

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Senator McGillic moved that the Senate reconsider the vote by which Senate Bill No. 152 was indefinitely postponed, which motion prevailed.

Senator McGillic moved that Senate Bill No. 152 be placed at the foot of the calendar.

Which motion prevailed.

Senator Owings moved that the Senate request the return of Senate Concurrent Resolution "J", which motion prevailed.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 17, 1937.

Mr. Speaker: I have the honor to request the return of Senate Concurrent Resolution "J".

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
February 17, 1937.

Mr. President: I have the honor to transmit herewith the following bills:

House Bill No. 40. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Penitentiary.

Also,

House Bill No. 42. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the Department of the Registrar of Motor Vehicles.

Which the Speaker has signed and your signature is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

The President called Senator Owings to the chair.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 183. A Bill for an Act to Authorize and Empower the Public Welfare Board to Borrow Money from the Bank of North Dakota, 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, 23; nays, 23; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	
Brostuen	Guenther	Nelson, Barnes
Cain	Guthrie	Nelson, Grand Fks.
Coffey	Kamrath	Strehlow
Crandall	Kolpin	Stucke
Drew	Lian	Vinje
Fowler	Lowe	Whelan
Fredrickson	Lynn	Wog
Gronvold	Magoffin	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Kroeber	Skarvold
Bilden	Lavik	Streibel
Blaisdell	Lemke	Thatcher
Ettestad	McGillic	Thorson
Fine	Morrison	Trout
Gilbertson	Mutchler	Watt
Greene	Olson	Young
Johnson	Owings	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Hulteng	Topp	Williams

So the bill was declared lost for want of a constitutional majority.

Senate Bill No. 189. A Bill for an Act to Amend and Re-enact Sub-section 19 of Section 3861 of the Compiled Laws of North Dakota for the Year 1913, Relating to Penalties Imposed for Violation of Village Ordinances; 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, 38; nays, 6; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Nelson, Barnes
Bilden	Guthrie	Nelson, Grand Fks.
Blaisdell	Johnson	Owings
Brostuen	Kolpin	Strehlow
Cain	Kroeber	Stucke
Coffey	Lavik	Thatcher
Crandall	Lemke	Trout
Drew	Lian	Vinje
Ettestad	Lowe	Watt
Fowler	Lynn	Whelan
Fredrickson	Magoffin	Wog
Greene	McGillic	Young
Gronvold	Mutchler	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Fine	Morrison	Skarvold
Kamrath	Olson	Streibel

Absent and not voting:

Messrs.	Messrs.	Messrs.
Gilbertson	Thorson	Williams
Hulteng	Topp	

So the bill passed and the title was agreed to and the emergency clause was declared carried.

Senator Johnson: I vote "aye" reserving the right to reconsider.

The President resumed the chair.

Senate Bill No. 199. A Bill for an Act to Amend and Re-enact Section 2133 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Duties of the Township Board of Review, Complaints and Grievances With Reference Thereto, and Providing for an Appeal to the Board of County Commissioners, Repealing All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

Was read the second time.

Senator Watt moved that Senate Bill 199 be amended as follows:

After the word "passage" in the last line of the bill, strike out the period, insert a comma, and add the words "and approval."

Which motion prevailed.

Senator Brostuen moved that the rules be suspended and Senate Bill No. 199 be considered properly re-engrossed, and placed upon Second Reading and Final Passage as amended.

Which motion prevailed.

### ROLL CALL

The question being on the final passage of Senate Bill No. 199, as amended, the roll was called and there were ayes, 37; nays, 8; absent and not voting, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Gronvold	Morrison
Bilden	Guenther	Mutchler
Blaisdell	Guthrie	Nelson, Barnes
Brostuen	Johnson	Nelson, Grand Fks.
Cain	Kolpin	Skarvold
Coffey	Kroeber	Strehlow
Crandall	Lavik	Thatcher
Drew	Lemke	Vinje
Ettestad	Lian	Watt
Fine	Lowe	Whelan
Fowler	Lynn	Wog
Gilbertson	Magoffin	Young
Greene		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Fredrickson	Owings	Thorson
Kamrath	Streibel	Trout
Olson	Stucke	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Hulteng	Topp	Williams
McGillic		

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Senator Brostuen moved that further consideration of Senate Bill No. 200 be indefinitely postponed.

Which motion prevailed.

Senator Whelan moved that the rules be suspended and that Senate Bill No. 24 be not engrossed until after any amendments that might be offered from the floor had been made. Which motion prevailed.

Senate Bill No. 212. A Bill for an Act Providing for the Cancellation and Release of Gas and Oil Leases Which Have Expired by the Terms Thereof and Have Not Been Renewed of Record Within Five Years After the Expiration Thereof, 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, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Nelson, Barnes
Bilden	Guthrie	Nelson, Grand Fks.
Blaisdell	Johnson	Olson
Brostuen	Kamrath	Owings
Cain	Kolpin	Skarvold
Coffey	Kroeber	Strehlow
Crandall	Lavik	Streibel
Drew	Lemke	Thatcher
Ettestad	Lian	Thorson
Fine	Lowe	Trout
Fowler	Lynn	Vinje
Fredrickson	Magoffin	Watt
Gilbertson	McGillic	Whelan
Greene	Morrison	Wog
Gronvold	Mutchler	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Hulteng	Topp	Williams
Stucke		

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Senator Strehlow moved that the Senate proceed to the Fourteenth order of business and that House Bill No. 60 be placed at the head of the calendar.

Which motion prevailed.

House Bill No. 60. A Bill for an Act Making an Appropriation to Provide Funds for the Payment of a Deficit in the Office of the Commissioner of Agriculture and Labor.

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 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Olson
Blaisdell	Kamrath	Owings
Bilden	Kolpin	Skarvold
Brostuen	Kroeber	Strehlow
Cain	Lavik	Streibel
Coffey	Lemke	Stucke
Crandall	Lian	Thatcher



Messrs.	Messrs.	Messrs.
Ettestad	Lowe	Thorson
Fine	Lynn	Trout
Fredrickson	Magoffin	Vinje
Gilbertson	McGillic	Watt
Greene	Morrison	Whelan
Gronvold	Mutchler	Wog
Guenther	Nelson, Barnes	Young
Guthrie	Nelson, Grand Fks.	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Drew	Hulteng	Williams
Fowler	Topp	

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

FIRST READING OF HOUSE BILLS

House Bill No. 252. A Bill for an Act Providing for the Payment to a Retail Implement Dealer of Certain Sums for All Stock of Farming Implements and Repairs for Farm Implements Upon the Cancellation of Any Contract Between Such Retail Implement Dealer and the Manufacturer, Wholesaler, or Distributor of Farm Implements, Machinery and Repair Parts for Farm Implements and Farm Machinery.

Was read the first time and referred to the Committee on Judiciary.

House Bill No. 239. A Bill for an Act to Amend and Re-enact Section 77 of Chapter 168, Session Laws of 1919 Which Also Appears as Section 3084a77 of the 1925 Supplement Governing Coal Mining Near Boundary Lines and Including Therein Coal Mining Near State, County and Township Highways.

Was read the first time and referred to the Committee on Mines and Minerals.

House Bill No. 230. A Bill for an Act Prohibiting Electrical Power Companies From Charging a Deposit Upon Any Meter Installed Upon the Premises of Any User of Current Unless Interest Is Paid Annually Upon Such Deposit.

Was read the first time and referred to the Committee on Railroads.

House Bill No. 223. A Bill for an Act Making an Appropriation for the Payment of the Expenses to Be Incurred by Boys' and Girls' Club Work at State and District Fairs.

Was read the first time and referred to the Committee on Appropriations.

House Bill No. 189. A Bill for an Act to Amend Section 22, of Chapter 96, of the Session Laws of the State of North Dakota for the Year 1931, Relating to the Responsibility of Shareholders of State Bank Stock.

Was read the first time and referred to the Committee on Banks and Banking.

House Bill No. 183. A Bill for an Act Authorizing County, Municipal, Township and School Board Officials to Waive the Furnishing of Surety or Personal Bonds, Where Such Funds are Insured in the Federal Deposit Insurance Corporation, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Was read the first time and referred to the Committee on Corporations.

House Bill No. 162. A Bill for an Act to Amend and Re-enact Section 2844 of the Supplement to the 1913 Compiled Laws of North Dakota as Amended by Chapter 119, Session Laws of 1929, Relating to Licenses of Creameries, Cheese Factories, Process Butter Factories, Ice Cream Factories and Cream Stations; Providing for the Distribution of License Moneys; Repealing Acts in Conflict Herewith and Declaring an Emergency.

Was read the first time and referred to the Committee on Agriculture.

House Bill No. 139. A Bill for an Act to Amend and Re-enact Section 9020 of the Compiled Laws of North Dakota for the Year 1913, and to Provide for the Furnishing of Surety for Costs by Plaintiffs Who Are Non-Residents or Corporations Other Than United States Corporations; Declaring an Emergency.

Was read the first time and referred to the Committee on Judiciary.

House Bill No. 111. A Bill for an Act to Amend and Re-enact Section 2588 of the 1925 Supplement of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 251 of the Session Laws of North Dakota for 1929, Relating to the Cost of Maintenance of Patients at the North Dakota Tuberculosis Sanatorium, Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Was read the first time and referred to the Committee on Counties.

House Bill No. 110. A Bill for an Act to Amend and Re-enact Sections 1716a1 and 1717 of the 1925 Supplement of the Compiled Laws of North Dakota for 1913, Providing That the Cost of Keeping Patients in the Institution for the Feeble-Minded Shall Be a Charge Against the County Sending Such Patient and Against the State, That Persons Liable to Support Such Defective Person Shall, When Able, Pay the Expense of Treatment, Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Was read the first time and referred to the Committee on Counties.

House Bill No. 46. A Bill for an Act to Appropriate Money for the Expenses of the Executive, Legislative and Judicial

Departments of the State Government, and for Public Schools, Specifying the Amount and Time for Which Such Appropriations Shall Be Available, and Repealing All Acts, or Parts of Acts, Insofar as the Same Shall Relate to Appropriations Conflicting Herewith or to Appropriations for the Same Matters or Purposes Provided for Herein.

Was read the first time and referred to the Committee on Appropriations.

House Bill No. 33. A Bill for an Act to Establish Cream Grading and Testing; to Establish Grades of Cream Quality, Methods for Determining Such Grades and Provisions to Insure the Purchase of Cream on the Basis of Such Grade; to Establish Equitable Differentials of Value Between Grades; Establishing Necessary Licensing Provisions; Providing Penalties for Violation of the Act and Repealing Acts or Parts of Acts in Conflict Herewith.

Was read the first time and referred to the Committee on Corporations.

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign:

House Bill No. 40. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Penitentiary.

Also,

House Bill No. 42. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the Department of the Registrar of Motor Vehicles.

And the President signed the same in the presence of the Senate.

Senator Olson moved that the Senate do now recess until 11:00 o'clock tomorrow, which motion prevailed. The Senate stood recessed.

#### COURTESIES OF THE FLOOR

The courtesies of the floor were extended to: A. E. Goldammer, Lakota; L. W. Kube, Carl Spong, Fargo; O. Gauslow, Colfax; Henry Holt, Grand Forks; Miss Mary Johnson, Dawson.

THOMAS McDONALD,  
Secretary.

FORTY-FOURTH DAY AFTER RECESS AND  
FORTY-FIFTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
February 18, 1937.

The Senate convened at 11:00 A. M., pursuant to recess taken, President Thoresen presiding.

President Thoresen announced that he had been informed by the Workmen's Compensation Bureau that no application for insurance of employees had been made by the Senate or House. As a matter of law the Legislative Assembly should protect their employees, although it had not been done at prior session.

Senator Fredrickson moved that the matter be referred to the Committee on Employment. Which motion prevailed.

SECOND READING OF SENATE BILLS

Senate Bill No. 213. A Bill for an Act to Amend and Re-enact Section 2093 of the Supplement to the Compiled Laws of 1913, Defining Manner of Listing Real and Personal Property 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, 22; nays, 15; absent and not voting, 11.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Gronvold	McGillic
Bilden	Guenther	Morrison
Brostuen	Kamrath	Mutchler
Coffey	Kolpin	Strehlow
Crandall	Kroeber	Stucke
Drew	Lynn	Vinje
Fowler	Magoffin	Young
Gilbertson		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Ettestad	Lavik	Skarvold
Fine	Lemke	Streibel
Fredrickson	Nelson, Barnes	Thorson
Greene	Nelson, Grand Fks.	Trout
Johnson	Owings	Whelan

Passed

Messrs.  
Watt

Absent and not voting:

Messrs.	Messrs.	Messrs.
Blaisdell	Lian	Topp
Cain	Lowe	Williams
Guthrie	Olson	Wog
Hulteng	Thatcher	

So the bill lost for want of a constitutional majority.

Senator Whelan, Chairman of the Committee on Employment, moved that the Senate comply with the requirements of the Workmen's Compensation Law and insure the Senate employees.

Which motion prevailed.

### ROLL CALL

The question being on the motion to insure Senate employees under the Workmen's Compensation Act, the roll was called and there were ayes, 43; nays, 1; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Nelson, Grand Fks.
Bilden	Johnson	Olson
Blaisdell	Kamrath	Owings
Brostuen	Kolpin	Skarvold
Coffey	Kroeber	Strehlow
Crandall	Lavik	Streibel
Drew	Lemke	Stucke
Ettestad	Lowe	Thatcher
Fine	Lynn	Thorson
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Wog
Gronvold	Nelson, Barnes	Young
Guenther		

Those voting in the negative were:

Messrs.  
Trout

Absent and not voting:

Messrs.	Messrs.	Messrs.
Cain	Lian	Williams
Hulteng	Topp	

Senator Etestad moved that the Senate reconsider the vote by which Senate Bill No. 213 was lost.

Which motion prevailed.

Senator Brostuen moved that Senate Bill No. 213 be placed at the foot of the calendar.

Which motion prevailed.

Senate Bill No. 233. A Bill for an Act to Establish in the Office of the State Tax Commissioner a Division of Municipal Accounts and Finance, Prescribing the Duties of Such Division, Prescribing the Rendering of Reports and the Filing of Budgets by Political Subdivisions and Prescribing a Penalty for Failure to Do So, Repealing All Acts or Parts of Acts in Conflict Therewith, and Declaring an Emergency.

Was read the second time.

Senator Watt moved that Senate Bill No. 233 be indefinitely postponed.

Which motion prevailed.

Senator Fine moved that the Senate do now adjourn, which motion prevailed.

The Senate stood adjourned.

THOMAS McDONALD,  
Secretary.

#### FORTY-FIFTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
February 18, 1937.

The Senate convened at 2:00 P. M., pursuant to adjournment, the President presiding.

Prayer by the Chaplain, Rev. A. R. Henry, Mandan.

Roll Call: All members present except Senator Hulteng.

Senator Lian moved the absent Senator be excused, which motion prevailed.

Senator Streibel moved that the Senate recess for 5 minutes for the purpose of congratulating Senator Watt on his 40th wedding anniversary, which motion prevailed and a 5 minute recess was taken.

The Senate reconvened pursuant to recess taken.

## PETITIONS AND COMMUNICATIONS

The following petitions and communications were received, read from the desk, and referred to the appropriate committees:

A petition signed by 22 citizens of Sawyer, urging passage of House Bill No. 193, as it was their belief it was the constitutional right of every person to choose his own doctor.

A similar communication from Hebron.

A telegram from the Secretary of the State Federation of Labor urging passage of unemployment insurance measure.

A telegram signed by five members of the Park River Wild Life Preservation Association asking passage of a bill to take the Game and Fish Department out of politics.

## MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 18, 1937.

Mr. Speaker: I have the honor to return herewith the following bills:

House Bill No. 42. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the Department of the Registrar of Motor Vehicles.

Also,

House Bill No. 40. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Penitentiary.

Which the President has signed.

Very respectfully,

THOMAS McDONALD,  
Secretary.

## MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
February 18, 1937.

Mr. President: I have the honor to transmit herewith the following bills:

House Bill No. 219. A Bill for an Act Requiring the Adjutant General to Secure Information and Keep Records of and Concerning the Burial Places of Deceased War Veterans Who Died in or Are Buried in the State of North Da-

kota and to Provide Methods and Means of Performing This Duty.

Also,

House Bill No. 233. A Bill for an Act Declaring That All Beer and Ale Manufactured or Sold in the State of North Dakota Containing 4%, or Less, of Alcohol by Weight, Shall Be Controlled by and Subject to the Provisions of the State Laws Relating to 3.2 Alcohol Content Beer; Declaring an Emergency.

Also,

House Bill No. 248. A Bill for an Act Imposing an Excise Tax on Motor Vehicles for the Privilege of Using the Streets and Highways of This State; to Provide for the Collection of Such Tax; the Distribution and Use of the Revenue Derived Therefrom and the Administration of Said Law; Providing for Certain Exemptions; Fixing Fines and Penalties for the Violation of the Provisions of This Act; Defining Motor Vehicles and Declaring an Emergency.

Also,

House Bill No. 234. A Bill for an Act Requiring All Licensed Liquor Dealers to Make Available Reports, Records, Vouchers, Books, and Other Documents to the State Treasurer; Providing for Examination; Providing Penalties for Delinquencies and for Violations.

Also,

House Bill No. 240. A Bill for an Act to Amend and Re-enact Section 1, Chapter 159, Session Laws for 1930, as Amended and Re-enacted by Chapter 130, Session Laws for the Year 1933, and as Again Amended and Re-enacted by Chapter 142 of the Session Laws for the Year 1935, Defining Imitation Ice Cream, Providing Penalty for Violation and Declaring an Emergency.

Also,

House Bill No. 297. A Bill for an Act to Amend and Re-enact Chapter 281 of the Session Laws of North Dakota for the Year 1927, and Chapter 74 of the Laws of 1929, Relating to the Office of Veterans' Service Commissioner, and Amending the Same with Reference to Qualifications and the Manner of Appointment of Such Service Commissioner and Salary and Expense of Carrying Out Provisions of This Act.

Also,

House Bill No. 249. A Bill for an Act Providing for the Collection of Real Property Taxes by the Collection of Rents from Such Property, Providing for the Duties of the District Court and the County Treasurer in Connection Therewith, Providing for the Service of the Court Order, the Application of Such Rents by the County Treasurer, Providing for Contempt for Failure to Comply with the Order of the Court, Providing That the Payments of the Rent Under the Order



Shall Have Precedence Over Prior and Subsequent Liens and Assignments, Providing for Appeals, Providing That the Remedy is in Addition to Other Remedies, Repealing All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

Which the House has passed and your favorable consideration is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 18, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bills:

Senate Bill No. 196. A Bill for an Act to Amend Section 6 of Chapter 85 of the Session Laws for the Year 1929, Relating to the Licensing of Airmen and Aircraft; Making Violation Thereof a Misdemeanor, and Providing the Penalty Therefor; Repealing All Acts or Parts of Acts in Conflict Herewith; and Declaring This Act to Be an Emergency Measure.

Also,

Senate Bill No. 170. A Bill for an Act to Impose a Tax Upon Dogs, Providing for Assessment, Levy and Collection Thereof; Providing for the Issuance of License Tags for All Dogs Upon Which Said Tax Is Assessed; Providing for the Determination and Payment of Losses from Tax Collected Thereunder to the Owners of Livestock or Poultry Damaged by Dogs, Wolves, or Coyotes; Providing for the Killing of Dogs, Wolves, or Coyotes in Certain Cases; Providing for the Hearing and Appeal; Imposing Powers and Duties on Certain County Officers and Employees, and Providing Penalties for the Violation of This Act. Repealing All Acts or Parts of Acts in Conflict Herewith and Declaring an Emergency.

Also

Senate Bill No. 218. A Bill for an Act Providing for the Payment of a Bounty on Crows.

Also,

Senate Bill No. 205. A Bill for an Act Empowering the State Public Health Advisory Council to Make, Amend, Repeal and Suspend Public Health Regulations Concerning the Production, Transportation, Processing, Handling, Sampling, Examination, Grading, Labeling, Regrading, and Sale of

Milk and Milk Products, the Inspection of Health Certificates on Dairy Herds, Dairies and Milk Plants.

Also,

Senate Bill No. 231. A Bill for an Act Providing for the Abolition of the Office of Common School District Treasurer Upon Majority Vote at Annual School Elections.

Which the Senate has passed and your favorable consideration is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

REPORT OF COMMITTEE ON REVISION AND CORRECTION OF THE JOURNAL

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 Forty-third Day after recess and Forty-fourth Day and recommend that the same be corrected as follows:

On page 805, line 19, correct spelling of the word "second."

And when so corrected recommend that the same be approved.

C. C. MORRISON,  
Chairman.

Senator Owings moved that the report be adopted, which motion prevailed and the report was adopted.

MESSAGE FROM THE SECRETARY OF STATE

This is to certify that Senate Bill No. 38, vetoed by Governor was received by me at the hour of 2:10 o'clock P. M., on February 18, 1937.

JAMES D. GRONNA,  
Secretary of State.  
By G. A. Gilbertson, Deputy.

MESSAGE FROM THE GOVERNOR

State of North Dakota  
OFFICE OF THE GOVERNOR  
Bismarck

February 18, 1937.

To the Members of the Senate,

Twenty-fifth Legislative Assembly:

Gentlemen:

This is to inform you that I have signed:

House Bill No. 145. A Bill for an Act Providing for a Transfer of Certain School Lands Situated in Bottineau

County, State of North Dakota, with the Buildings Thereon, to the State Historical Society to Be Used and Maintained as a Part of the State Public Park System, and Providing for an Appropriation to Reimburse the Permanent School Fund of the Senate, and Declaring an Emergency.

At 5:15 P. M., February 17.

House Bill No. 57. A Bill for an Act Declaring Volunteer Firemen to Be Employees of the Municipalities Which They Serve, and Entitled to the Protection of the Workmen's Compensation Laws of the State; Defining the Term "Volunteer Firemen"; Fixing the Basis of Payment of Benefits Out of the Workmen's Compensation Fund and the Method of Making Assessments of Premiums Against Municipalities.

At 9:35 A. M., February 18th.

House Bill No. 142. A Bill for an Act Providing for the Establishment of Voting Precincts in All Special and Independent School Districts; Requiring Establishment of Polling Places for Each 6,000 Inhabitants; Providing for Appointment of Election Officials, Fixing Their Powers, Duties and Compensation and Repealing All Acts or Parts of Acts in Conflict Herewith.

At 8:25 P. M., February 17th.

House Bill No. 17. A Bill for an Act to Authorize the Board of County Commissioners of the Counties in the State of North Dakota, to Make, Execute and Deliver, on Behalf of the County, Leases and Other Contracts for the Purpose of Mining, and Operating for Oil and Gas, Lay Pipe Lines, and for Establishing and Maintaining Tanks, Power Stations and Structures Thereon, to Produce, Save, Sell and Take Care of Said Products, Together with Power and Authority to Include in the Provisions of Said Leases Any and All Provisions Which Would Be Within the Power of an Individual owner to Make, With Certain Limitations, and Providing for the Distribution of Moneys Received from Said Leases: Repeal: Declaring an Emergency.

At 10:15 A. M., February 18th.

House Bill No. 3. A Bill for an Act Making an Appropriation for the Purpose of Paying Clerkhire and Miscellaneous General Expenses of the North Dakota Procurement Officer, as Provided by Chapter 219, Session Laws of 1935.

At 9:30 A. M., February 18th.

The above named bills have been delivered to the Secretary of State.

Respectfully,

WILLIAM LANGER,  
Governor.

WL:JEB

## REPORTS OF STANDING COMMITTEES

The Committee on Delayed Bills made the following report:

Mr. President: Your Committee on Delayed Bills to whom was referred:

A Bill for an Act Providing for the Issuance by the Industrial Commission of Certificates of Indebtedness in Anticipation of the Collection of Property Taxes. (Introduced by the Committee on Taxes and Tax Laws).

A Bill for an Act to Encourage and Promote the Payment of Taxes by Providing for a Rebate on Pre-payments. (Introduced by Senators Gronvold, and Nelson of Grand Forks).

A Bill for Act to Amend and Re-enact Section 400 of the 1913 Compiled Laws of North Dakota. (Introduced by Committee on Women's and Children's Welfare).

A Bill for an Act to Amend and Re-enact Section 4444 and 4446 of Chapter 9 of the 1913 Compiled Laws of North Dakota. (Introduced by Committee on Women's and Children's Welfare).

A Bill for an Act Making an Appropriation for Payment of a Deficit in the Amount Appropriate for Employees of Twenty-fifth Legislative Assembly.

Have had the same under consideration and recommend that the same be approved for introduction.

TOM WHELAN,  
Chairman.

Senator Whelan 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 bills:

Senate Bill No. 13. A Bill for an Act Requiring Licenses for the Operation, Maintenance, Opening or Establishment of Stores in This State, Prescribing the License and Filing Fees to Be Paid Therefor, and the Disposition Thereof, and the Powers and Duties of the State Tax Commissioner in Connection Therewith, and Prescribing Penalties for the Violation Thereof.

Also,

Senate Bill No. 124. A Bill for an Act Providing for the Employment of a Fire Department Instructor; Prescribing the Qualifications of Such Instructor and the Duties There-

of; Providing for Salary and Expenses of, and Fees to Be Charged by Such Instructor; Requiring Reports and Providing an Appropriation to Carry Out the Provisions of This Act.

Also,

Senate Bill No. 227. A Bill for an Act Re-establishing the North Dakota Mill and Elevator Association; Providing for the Creation of the Board of Managers and Defining Its Powers, Duties, and Qualifications to Such Board; Providing for the Appointment of an Auditor and for the Filling of Vacancies on Such Board; Providing for Removal of Members of Such Board; Providing for the Organization of Such Board and the Matter of Conducting Business; Providing Procedure in Actions Brought Against Such Association; Providing for Employees and Bonds; Providing for Examination by the State Examiner and Repealing Chapter 268 of Session Laws of 1931 and Chapter 193 of the Session Laws of 1933.

Also,

Senate Bill No. 151. A Bill for an Act to Authorize, Regulate and Control the Transportation, Importation, Handling, Possession, Purchase, Sale and Dispensing of Alcohol and Alcoholic Beverages, as Now Defined by Law, in This State by Common Carriers, Providing for the Method of Taxing and Licensing Alcohol and Alcoholic Beverages When Handled and Sold by Common Carriers, and of Expanding and Distributing the Revenues from Such Taxes and Licenses, and Providing Penalties for the Violation of This Act; and Declaring an Emergency.

Also,

Senate Bill No. 178. A Bill for an Act Making an Appropriation for Improvements and Repairs at the North Dakota Soldiers' Home at Lisbon, North Dakota.

Also,

Senate Bill No. 111. A Bill for an Act Authorizing Municipalities to Acquire, Construct, Re-construct, Improve, Better, and Extend Certain Revenue-producing Undertakings; to Maintain and Operate the Same and to Prescribe, Revise and Collect Rates, Fees, Tolls, and Charges for the Services, Facilities, and Commodities Furnished Thereby, and, in Anticipation of the Collection of the Revenues Thereof, to Issue Bonds Payable Solely From Such Revenues; Regulating the Issuance of Such Bonds and Providing for Their Payment and for the Rights of the Holders Thereof, and Other Matters Necessary in the Premises; and Declaring an Emergency.

Also,

Senate Bill No. 161. A Bill for an Act to Promote the Public Welfare by Providing for Assistance for Crippled Children and for Child Welfare Services.

Also,

Senate Bill No. 79. A Bill for an Act Providing for the Regulation, Supervision and Control of the Transportation of Persons and Property by Motor Vehicles Upon the Public Highways of This State, and Prescribing Compensation to Be Paid for the Unusual Use of Such Highways, and Providing for the Disposition of Funds Derived Hereunder, and Providing for the Administration Hereof, and Repealing All Acts in Conflict Herewith.

And find the same correctly engrossed.

WM. KROEBER,  
Chairman.

Senator Kroeber moved that the report be adopted, which motion prevailed, and the report was adopted.

#### REPORT OF STANDING COMMITTEES

A minority of the Committee on Judiciary made the following report:

Mr. President: A minority of your Committee on Judiciary to whom was referred Senate Bill No. 2.

Have had the same under consideration and recommend that the same do pass.

TOM WHELAN  
MAX H. STREHLOW  
GEORGE V. COFFEY  
OLE ETTESTAD  
WM. A. THATCHER

A majority of the Committee on Judiciary made the following report:

Mr. President: A majority of your Committee on Judiciary to who mwas referred Senate Bill No. 2.

Have had the same under consideration and recommend that the same be indefinitely postponed.

ANDREW SKARVOLD  
BEN GILBERTSON  
A. W. FOWLER  
HARRY C. LYNN  
JAMES W. GUTHRIE  
O. E. BILDEN  
J. P. CAIN  
J. C. BLAISDELL, Jr.  
E. C. STUCKE  
C. W. FINE  
MELVIN P. JOHNSON  
F. T. GRONVOLD  
J. P. CAIN, Chairman

Senator Cain moved that the report be adopted.

Senator Whelan moved as a substitute motion, that the

report of the minority be substituted for the report of the majority.

Roll call demanded and granted.

### ROLL CALL

The question being on adoption of minority report on Senate Bill No. 2 recommending same for passage, the roll was called and there were ayes, 28; nays, 18; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kolpin	Thorson
Brostuen	Kroeber	Topp
Coffey	Lavik	Trout
Crandall	Lowe	Vinje
Drew	McGillic	Watt
Ettestad	Nelson, Barnes	Whelan
Fine	Owings	Williams
Fredrickson	Strehlow	Wog
Guenther	Streibel	Young
Johnson		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Bilden	Guthrie	Morrison
Blaisdell	Kamrath	Mutchler
Cain	Lemke	Nelson, Grand Fks.
Fowler	Lian	Olson
Greene	Lynn	Skarvold
Gronvold	Magoffin	Stucke

Absent and not voting:

Messrs.	Messrs.	Messrs.
Gilbertson	Hulteng	Thatcher

So the minority report was declared adopted.

Senator Brostuen: I am going to vote to place this bill on the calendar, reserving the right to vote against the bill when it comes up for final passage.

The Committee on State Affairs made the following report:

Mr. President: Your Committee on State Affairs to whom was referred Senate Bill No. 113, have had the same under consideration and recommend that the same be amended as follows:

In line 2 of the title of the printed bill, strike out the words "or for refinancing and improving."

In Section 2, sub-section (d), line 16 of the printed bill, strike out the words "or the refinancing and improving."

Strike out sub-section (f) of Section 2 and re-letter the following sub-sections in sequence "(f) to (j)".

In Section 3, lines 2 and 3, strike out the words "or to refinance and improve," and in lines 3 and 4, strike out the words "or purposes".

In Section 6, lines 9 to 14, strike out the words "the validity of the authorization and issuance of the refunding bonds shall not be dependent on or affected in any way by proceedings taken for the improving of any enterprise for the refinancing and improving of which the refunding bonds are to be issued, or by contracts made in connection with the improving of any such enterprise".

In Section 7, sub-section 2, lines 15 and 16 of the printed bill, strike out the words "the refinancing, or the improving and refinancing," and substitute in lieu thereof, "or refinancing".

In Section 13, sub-section (a), line 8, strike out the words, "any issue or refunding bonds, or," and in line 9, strike out the words "then or".

Strike out sub-section (b), of Section 13 of the printed bill, and insert in lieu thereof the following:

"(b) Limitations on the issuance and on the lien of other notes, bonds or other obligations thereafter to be issued to finance the improving of the enterprise which are secured by or payable from the revenues of such enterprise".

And when so amended recommend the same do pass.

G. F. DREW,  
Chairman.

Senator Drew moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on State Affairs made the following report:

Mr. President: Your Committee on State Affairs to whom was referred Senate Bill No. 114, 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.

Senator Strehlow requested unanimous consent of the Senate to withdraw Senate Bill No. 115.

Which request was granted.

The Committee on State Affairs made the following report:

Mr. President: Your Committee on State Affairs to whom was referred Senate Bill No. 116,

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.

The Committee on Military and Indian Affairs made the following report:

Mr. President: Your Committee on Military and Indian Affairs to whom was referred Senate Bill No. 169,

Have had the same under consideration and recommend that the same do pass.

E. F. MUTCHLER,  
Chairman.

Senator Fine moved that the report be adopted, which motion prevailed and the report was adopted.

The Senate resumed consideration of Senate Bill No. 187. The question being on the motion of Senator Thorson that the report be adopted, the motion prevailed and the report was adopted.

The Committee on Warehouse and Grain Grading made the following report:

Mr. President: Your Committee on Warehouse and Grain Grain Grading to whom was referred Senate Bill No. 220,

Have had the same under consideration and recommend that the same be amended as follows:

Strike out everything after the words "A Bill" and insert in lieu thereof the following language:

"For an Act to Amend and Re-enact Section 2 and to Repeal Sections 3 and 4 of Chapter 138 of the North Dakota Session Laws for the Year 1921 Entitled 'An Act to Provide for the Storage of Grain Upon Farms and on or Near Railway Rights-of-Way Within the State of North Dakota; Regulating the Same for the Purpose of Procuring Loans Upon Such Grain; Making Provisions for Issuance of Negotiable Warehouse Certificates Upon Grain so Stored, Not in a Public Warehouse; Creating the Office of 'Grain Storage Commissioner of North Dakota', Prescribing His Duties and empowering Him to Make Rules and Regulations Necessary or Advisable to the Purposes of Such Act; Prescribing Penalties for the Violation of the Provisions Thereof; and Repealing All Acts or Parts of Acts in Conflict Therewith.'

"Be it Enacted by the Legislative Assembly of the State of North Dakota:

"Section 1. AMENDMENT.) That Section 2 of Chapter 138 of the Session Laws of North Dakota for the Year 1929 be amended and re-enacted to read as follows:

SECTION 2. GRAIN STORAGE COMMISSIONER.) There is hereby created the office of 'Grain Storage Commissioner of North Dakota,' hereinafter referred to as the 'Commissioner,' who shall be the Commissioner of Agriculture and Labor for the State of North Dakota, and who shall

manage, control and direct the operation of the provisions of this act with full and complete power to make effective and carry out all the objects and purposes hereof.

"Section 2. REPEAL.) That Sections 3 and 4 of Chapter 138 of the Session Laws of North Dakota for the year 1929 be and the same are hereby repealed."

And when so amended recommend the same do pass.

HARRY C. LYNN,  
Chairman.

Senator Lynn moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Public Safety made the following report:

Mr. President: Your Committee on Public Safety to whom was referred Senate Bill No. 223, have had the same under consideration and recommend that the same be indefinitely postponed.

A. C. NELSON,  
Chairman.

Senator Nelson moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Education made the following report:

Mr. President: Your Committee on Education to whom was referred Senate Bill No. 237, have had the same under consideration and recommend that the same be indefinitely postponed.

C. W. FINE,  
Chairman.

Senator Lian moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 244, have had the same under consideration and recommend that the same do pass.

B. W. LEMKE,  
Chairman.

Senator Lemke moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Nelson of Grand Forks moved that House Bills No. 24, 25 and 72 be placed at the head of the calendar.

Which motion prevailed.

Senator Cain moved that further consideration of Senate Bill No. 204 be deferred one legislative day.

Which motion prevailed.

Senator Johnson moved that the House calendar be dropped from the Journal for one day to save expense of printing.

Which motion prevailed.

#### FIRST READING OF SENATE BILLS

Committee on Taxes and Tax Laws introduced:

Senate Bill No. 246. A Bill for an Act, Providing for the Issuance by the Industrial Commission of Certificates of Indebtedness in Anticipation of the Collection of Property Taxes, Which Have Been Levied by the State Board of Equalization; Prescribing the Terms and Conditions Hereof; Providing for Their Sale and Delivery and Payment; Establishing of the Certificate of Indebtedness Retirement Fund, and Repealing All Acts or Parts of Acts Inconsistent With the Provisions of This Act, and Declaring an Emergency.

Was read the first time and referred to the Committee on Taxes and Tax Laws.

Committee on Appropriations introduced:

Senate Bill No. 247. A Bill for an Act Making an Appropriation for Payment of a Deficit in the Amount Appropriated for Payment of Per Diem of Employees of Twenty-Fifth Legislative Assembly, and Declaring an Emergency.

Was read the first time and referred to the Committee on Appropriations.

Senators Gronvold and Nelson of Grand Forks introduced:

Senate Bill No. 248. A Bill for an Act to Encourage and Promote the Payment of Taxes By Providing for a Rebate On Payments.

Was read the first time and referred to the Committee on Taxes and Tax Laws.

Committee on Women's and Children's Welfare introduced:

Senate Bill No. 249. A Bill for an Act to Amend and Re-enact Section 400 of the Compiled Laws of North Dakota for the Year 1913, Providing for the Powers and Duties of the State Board of Health, and Declaring an Emergency.

Was read the first time and referred to the Committee on Public Health.

Committee on Women's and Children's Welfare introduced:

Senate Bill No. 250. A Bill for an Act to Amend and Re-enact Section 4444 and 4446 of Chapter 9 of the Supplement to the Compiled Laws of North Dakota for the Year 1913, Providing for Adoption of Minors and Adults, and Declaring an Emergency.

Was read the first time and referred to the Committee on Women's and Children's Welfare.

### SECOND READING OF SENATE BILLS

Senate Bill No. 235. A Bill for an Act Establishing a State Board of Public Finance, Setting Out the Membership Thereof, Defining the Duties of Such Board, Making It Unlawful for Any State Officer, Superintendent, Manager or Head of Any State Department to Purchase or Sell Securities for or on Behalf of the State and Providing a Penalty Therefor; Repealing All Acts or Parts of Acts in Conflict Therewith 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, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Olson
Bilden	Johnson	Owings
Blaisdell	Kamrath	Skarvold
Brostuen	Kolpin	Strehlow
Cain	Kroeber	Streibel
Coffey	Lavik	Stucke
Crandall	Lemke	Thatcher
Drew	Lian	Thorson
Ettestad	Lowe	Topp
Fine	Lynn	Trout
Fowler	Magoffin	Vinje
Fredrickson	Morrison	Watt
Gilbertson	Mutchler	Whelan
Greene	Nelson, Barnes	Wog
Gronvold	Nelson, Grand Fks.	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Guthrie	McGillic	Williams
Hulteng		

So the bill passed and the title was agreed to, and the emergency clause declared carried.

Senate Bill No. 118. A Bill for an Act Making an Appropriation for Salaries and Expenses of the State Geological Survey and for Co-operation of United States Geological Survey.

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, 1; absent and not voting, 5.

Those voting in the affirmative were:

<b>Messrs.</b>	<b>Messrs.</b>	<b>Messrs.</b>
Aasen	Johnson	Olson
Bilden	Kamrath	Skarvold
Blaisdell	Kolpin	Strehlow
Brostuen	Kroeber	Streibel
Cain	Lavik	Stucke
Coffey	Lemke	Thatcher
Crandall	Lian	Thorson
Drew	Lowe	Topp
Ettestad	Lynn	Trout
Fowler	Magoffin	Vinje
Fredrickson	Morrison	Watt
Gilbertson	Mutchler	Whelan
Greene	Nelson, Barnes	Wog
Gronvold	Nelson, Grand Fks.	Young
Guenther		

Those voting in the negative were:

**Messrs.**  
Owings

Absent and not voting:

<b>Messrs.</b>	<b>Messrs.</b>	<b>Messrs.</b>
Fine	Hulteng	Williams
Guthrie	McGillic	

So the bill passed and the title was agreed to and the emergency clause was declared carried.

The President called the President pro tem, Senator Wog, to the chair.

Senate Bill No. 13. A Bill for an Act Requiring Licenses for the Operation, Maintenance, Opening or Establishment of Stores in This State, Prescribing the License and Filing Fees to Be Paid Therefor, and the Disposition Thereof, and the Powers and Duties of the State Tax Commissioner in Connection Therewith, and Prescribing Penalties for the Violation Thereof.

Was read the second time.

Senator Gilbertson moved that further consideration of Senate Bill No. 13 be indefinitely postponed.

Which motion lost.

### ROLL CALL

The question being on the final passage of Senate Bill No. 13, as amended, the roll was called and there were ayes, 36; nays, 12; absent and not voting, 1.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Strehlow
Bilden	Kamrath	Streibel
Blaisdell	Kolpin	Stucke
Cain	Lavik	Thatcher
Coffey	Lemke	Thorson
Crandall	Lian	Topp
Fine	Magoffin	Trout
Fredrickson	McGillic	Vinje
Greene	Morrison	Watt
Gronvold	Nelson, Barnes	Whelan
Guenther	Owings	Williams
Guthrie	Skarvold	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Brostuen	Gilbertson	Mutchler
Drew	Kroeber	Nelson, Grand Fks.
Ettestad	Lowe	Olson
Fowler	Lynn	Wog

Absent and not voting:

Messrs.  
Hulteng

So the bill passed and the title was agreed to.

Senator Young 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 Lian moved that the Senate do now recess for 10 minutes, which motion lost.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 18, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bill:

Senate Bill No. 13. A Bill for an Act Requiring Licenses for the Operation, Maintenance, Opening or Establishment of Stores in This State, Prescribing the License and Filing Fees to Be Paid Therefor, and the Disposition Thereof, and the Powers and Duties of the State Tax Commissioner in Connection Therewith, and Prescribing Penalties for the Violation Thereof.

Which the Senate has passed and your favorable consideration is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

The President resumed the chair.

Senator Fine requested that the Senate return to the Seventh Order of Business.

Which motion prevailed.

Senator Fine moved that the Senate renew its request that the House return Senate Concurrent Resolution "J."

Which motion prevailed.

Senator Fine said he would like to explain the importance of the resolution and have his remarks printed in the Journal including excerpts from the Traffic World and statements by a member of the Interstate Commerce Commission.

Senator Fine read the following:

Statement made by Interstate Commerce Commissioner Jos. B. Eastman, formerly Federal Co-ordinator of Transportation:

"Let me illustrate, also, the danger with respect to business conditions. You will recall that when competition of the railroads with each other was unrestrained, discriminations in rates and services ran rife, and the benefits, naturally went to the big shippers and the big communities. It was in those days that the Standard Oil and other trusts were created. The little shippers and the little communities suffered, and the development of the country became unbalanced and distorted. The fact is, also, as we are beginning to find out, that the present competition in transportation is gradually recreating similar conditions, and unless it is brought under adequate control and restraint, we shall have the same unfortunate results. A symptom is the drive of the railroads to emasculate the famous fourth section of the interstate commerce act, which prohibits charging less for a long haul than for a short haul over the same line or route without permission of the Commission. It was situations such as that section was designed to correct which were one of the chief reasons for the creation of the Commission in 1887, and which were putting competing water lines out of business at the expense of those who had to pay the higher rates for the shorter hauls."

Senator Fine also read the following excerpt from a report of the Interstate Commerce Commission to the House of Representatives, made in 1934, and printed in the "Traffic World" of June 28, 1935.

In 1934, the Interstate Commerce Commission reporting to the House Committee on Interstate and Foreign Commerce, said:

"We are of the opinion that the record of the carriers with respect to the establishment of higher rates for shorter than for longer distances, during the nearly half a century since the enactment of the original act, has fully demonstrated the need for further protection of the shipping public against the kind of discrimination and prejudice resulting from the establishment of higher rates for shorter than for longer distances than that afforded generally by those sections of the

act other than Section 4, and it is our view that the long and short haul provision of that section should be continued in force to insure this protection." This is from the "Traffic World," June 22, 1935.

#### MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 18, 1937.

Mr. Speaker: I have the honor to inform you that the Senate again requests the return of Senate Concurrent Resolution "J."

Also, the Senate requests the return of Senate Bill No. 163.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 18, 1937.

Mr. Speaker: I have the honor to inform you that the Senate requests the return of Senate Bill No. 158.

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
February 18, 1937.

Mr. President: I have the honor to return herewith the following bills and resolution:

Senate Bill No. 163. A Bill for an Act Providing for the Taxation of Gasoline Sold or Purchased for the Purpose of Operating and Propelling Airplanes and Aircraft, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Also,

Senate Bill No. 158. A Bill for an Act to Provide for the Attendance of Non-Resident Students at the Public Schools of This State; to Regulate the Terms of Their Admission; and to Permit the Payment by School Boards of Tuition, Transportation, Board and Lodging of Resident Students Attending Other Schools.

Also,

#### SENATE CONCURRENT RESOLUTION "J."

Which the Senate has requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.



## SECOND READING OF SENATE BILLS

Senate Bill No. 26. A Bill for an Act to Provide for a Civil Service Commission and Providing for the Appointment of an Executive Secretary Thereto; Defining the Powers, Duties and Compensation of Such Commission and Executive Secretary; Providing for and Defining a Classified Civil Service for the State of North Dakota; Granting to the Civil Service Commission the Right to Make Rules for the Examination and Certification of Persons Eligible for Appointment to Positions in the Classified Civil Service; Making Certain Rules for the Appointment, Promotion, Transfer, and Reinstatement of Persons to Positions in the Classified Civil Service; Providing Penalties for Violations of the Act and Making an Appropriation for the Purpose of Paying the Salaries and Other Expenses of Said Civil Service Commission.

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, 8; absent and not voting, 1.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Nelson, Barnes
Blaisdell	Johnson	Nelson, Grand Fks.
Brostuen	Kolpin	Skarvold
Cain	Kroeber	Strehlow
Coffey	Lavik	Stucke
Crandall	Lemke	Thatcher
Drew	Lian	Topp
Ettestad	Lowe	Vinje
Fine	Lynn	Watt
Fowler	Magoffin	Whelan
Fredrickson	McGillic	Williams
Gilbertson	Morrison	Wog
Gronvold	Mutchler	Young
Guenther		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Bilden	Olson	Thorson
Greene	Owings	Trout
Kamrath	Streibel	

Absent and not voting:

Messrs.  
Hulteng

So the bill passed and the title was agreed to. The emergency clause was declared carried.

Senator McGillic moved that the vote by which Senate

Bill No. 26 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 18, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bill:

Senate Bill No. 26. A Bill for an Act to Provide for a Civil Service Commission and Providing for the Appointment of an Executive Secretary Thereto; Defining the Powers, Duties and Compensation of Such Commission and Executive Secretary; Providing for and Defining a Classified Civil Service for the State of North Dakota; Granting to the Civil Service Commission the Right to Make Rules for the Examination and Certification of Persons Eligible for Appointment to Positions in the Classified Civil Service; Making Certain Rules for the Appointment, Promotion, Transfer, and Reinstatement of Persons to Positions in the Classified Civil Service; Providing Penalties for Violations of the Act and Making an Appropriation for the Purpose of Paying the Salaries and Other Expenses of Said Civil Service Commission.

Which the Senate has passed and your favorable consideration is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 79. A Bill for an Act Providing for the Regulation, Supervision and Control of the Transportation of Persons and Property by Motor Vehicles Upon the Public Highways of This State, and Prescribing Compensation to Be Paid for the Unusual Use of Such Highways, and Providing for the Disposition of Funds Derived Hereunder, and Providing for the Administration Hereof, and Repealing All Acts in Conflict Herewith.

Was read the second time.

Senator Wog moved that Senate Bill No. 79 be amended as follows:

On page 5 of the printed bill, line 67, after the word "use" insert the following: "and this Act shall not apply to any farmer actually residing on his farm and engaged exclusively in farming but who, as an accommodation for hire to another farmer, transports goods for such farmer to the local market of such farmer."

Strike out amendment No. 4 on page 749 of the Senate Journal.

On page 5 of the printed bill, line 67, commencing with the word "and," strike out said word and the remainder of said line 67, all of lines 68, 69, 70 and "ed" in line 71, and insert in lieu thereof the following: "and this Act shall not apply to the transportation of any property between one farm and another farm."

Which motion prevailed.

Senator Wog moved that the rules be suspended and Senate Bill No. 79 be considered properly re-engrossed and placed upon Second Reading and Final Passage, as amended.

Which motion prevailed.

Senator Fowler moved that further consideration of Senate Bill No. 79 be deferred one legislative day.

Which motion prevailed.

Senator McGillic moved that the Senate reconsider the vote by which Senate Bill No. 183 was lost.

Which motion was lost.

#### 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. 63. A Bill for an Act Establishing and Creating the North Dakota Regulatory Department, Providing for Appointment of a Director, Assistant Director and an Inspector of Said Regulatory Department, Fixing Their Salaries and Expenses, Providing for the Deposit of All Moneys Collected by Said Regulatory Department. Providing for the Duties of Said Director, Assistant Director and Inspector of Said Department, Transferring to Said Regulatory Department from the Officers Now Charged Therewith, the Enforcement of Said Regulatory Laws of This State, Imposing Certain Duties as to Inspection and Licensing of Weights and Measures and as to Collection of Certain Taxes and Providing for the Distribution of the Moneys Collected by the Regulatory Department to the Counties and State Equalization Fund. Repealing All Acts and All Parts of Acts in Conflict Herewith.

Also,

Senate Bill No. 199. A Bill for an Act to Amend and Re-enact Section 2133 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Duties of the Township Board of Review, Complaints and Grievances With Reference Thereto, and Providing for an Appeal to the Board of

County Commissioners, Repealing All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

Also,

Senate Bill No. 198. A Bill for an Act to Amend and Re-enact Section 2166 of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 241 of the Session Laws of North Dakota for 1929, and as Amended by Section 1 of Chapter 279 of the Session Laws of North Dakota for 1931; Section 2 of Chapter 279 of the Session Laws of North Dakota for 1931; Section 2169 and Section 2175 of the Compiled Laws of North Dakota for 1913; and Section 2178 of the Compiled Laws of North Dakota for 1913, as Amended by Section 1 of Chapter 122 of the Session Laws of North Dakota for 1935, Providing for the Delinquency of Personal Property Taxes, the Penalty Thereon and the Collection Thereof by the County Treasurer; Providing for a Lien for Delinquent Personal Taxes; Providing for Delinquent Tax Lists and the Duties of the Board of County Commissioners in Connection Therewith; Providing for the Duties of the County Treasurer and for His Neglect or Refusal to Perform His Duty in Connection Therewith, and for a penalty; Providing for the Fees for the Sheriff, or County Treasurer in Making Distress for Personal Taxes; Repealing Sections 2167, 2168 and 2173 of the Compiled Laws of North Dakota for 1913 and All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

Also,

Senate Bill No. 120. A Bill for an Act Providing for the Supervision and Regulation by the Board of Railroad Commissioners of the State of North Dakota, of the Transportation of Persons and Property Over North Dakota Public Highways by Motor Propelled Vehicles, Defining and Classifying Transportation by Motor Propelled Vehicles Affected Hereby and Providing for the Enforcement of the Provisions of this Act and for Penalties for the Violation Thereof, Repealing All of Section 2976V1 to 2976V16 Inclusive, Being Article 55b of Chapter 38 of the Political Code of the State of North Dakota of the 1925 Supplement to the 1913 Compiled Laws of the State of North Dakota, and Chapter 90 of the Session Laws of 1927; Chapter 148 of the Session Laws of 1929; Chapter 188 of the Session Laws of 1931; Chapter 164 of the Session Laws of 1933; Chapter 179 of the Session Laws of 1935, and Chapter 182 of the Session Laws of 1935; and All Other Acts or Parts of Acts in Conflict With This Act, and Declaring an Emergency.

Also,

Senate Bill No. 141. A Bill for an Act to Promote the Public Welfare by Providing for Public Assistance to Aged Persons in Need.

And find the same correctly engrossed.

WILLIAM KROEBER,  
Chairman.

Senator Kroeber moved that the report be adopted, which motion prevailed, and the report was adopted.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 63. A Bill for an Act Establishing and Creating the North Dakota Regulatory Department, Providing for Appointment of a Director, Assistant Director and an Inspector of Said Regulatory Department, Fixing Their Salaries and Expenses, Providing for the Deposit of All Moneys Collected by Said Regulatory Department. Providing for the Duties of Said Director, Assistant Director and Inspector of Said Department, Transferring to Said Regulatory Department from the Officers Now Charged Therewith, the Enforcement of Said Regulatory Laws of This State, Imposing Certain Duties as to Inspection and Licensing of Weights and Measures and as to Collection of Certain Taxes and Providing for the Distribution of the Moneys Collected by the Regulatory Department to the Counties and State Equalization Fund. Repealing All Acts and All Parts of Acts in Conflict Herewith.

Was read the second time.

Senator Brostuen moved that further consideration of Senate Bill No. 63 be deferred one legislative day.

Which motion prevailed.

The Senate resumed consideration of

Senate Bill No. 158. A Bill for an Act to Provide for the Attendance of Non-Resident Students at the Public Schools of This State; to Regulate the Terms of Their Admission; and to Permit the Payment by School Boards of Tuition, Transportation, Board and Lodging of Resident Students Attending Other Schools.

Was read the second time.

Senator Johnson moved that Senate Bill No. 158 be amended as follows:

On page 2 of the printed bill, Section 3, line 5, after the word "transportation" insert the following "in accordance with the schedule set forth in Chapter 238 of the Session Laws of 1927 and acts amendatory thereof".

Which motion prevailed.

Senator Johnson moved that the rules be suspended and Senate Bill No. 158 be considered properly re-engrossed, and placed upon Second Reading and Final Passage, as amended, 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, 47; nays, 0; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Owings
Bilden	Kamrath	Skarvold
Blaisdell	Kolpin	Strehlow
Brostuen	Kroeber	Streibel
Cain	Lavik	Stucke
Coffey	Lemke	Thatcher
Crandall	Lian	Thorson
Drew	Lowe	Topp
Ettestad	Lynn	Trout
Fine	Magoffin	Vinje
Fowler	McGillic	Watt
Fredrickson	Morrison	Whelan
Gilbertson	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young
Guthrie	Olson	

Absent and not voting:

Messrs.	Messrs.
Greene	Hulteng

So the bill passed and the title was agreed to.

Senate Bill No. 124. A Bill for an Act Providing for the Employment of a Fire Department Instructor; Prescribing the Qualifications of Such Instructor and the Duties Thereof; Providing for Salary and Expenses of, and Fees to Be Charged by Such Instructor; Requiring Reports and Providing an Appropriation to Carry Out the Provisions of This Act.

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, 48, nays, 0; absent and not voting, 1.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Johnson	Owings
Blaisdell	Kamrath	Skarvold
Brostuen	Kolpin	Strehlow
Cain	Kroeber	Streibel
Coffey	Lavik	Stucke
Crandall	Lemke	Thatcher
Drew	Lian	Thorson
Ettestad	Lowe	Topp
Fine	Lynn	Trout
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams

Messrs.	Messrs.	Messrs.
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young

Absent and not voting:

Messrs.  
Hulteng

So the bill passed and the title was agreed to.

Senator Johnson moved that Senate Bill No. 152 be placed upon second reading and final passage.

Which motion prevailed.

Senate Bill No. 152. A Bill for an Act to Amend and Re-enact Sections 10169a4, and 10169a5 of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, Dealing with the North Dakota Beverage Inspection Act, Defining the Beverages Coming Within the Provisions of That Act, and Fixing the Fee Required to be Paid for Registration of Label Thereof, and Declaring an Emergency.

Was read the second time.

#### ROLL CALL

The question being on the final passage of Senate Bill No. 152, the roll was called and there were ayes, 47; nays, 0; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Owings
Bilden	Kamrath	Skarvold
Blaisdell	Kolpin	Strehlow
Brostuen	Kroeber	Streibel
Cain	Lavik	Stucke
Coffey	Lemke	Thatcher
Crandall	Lian	Thorson
Drew	Lowe	Topp
Ettestad	Lynn	Trout
Fine	Magoffin	Vinje
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young
Guthrie	Olson	

Absent and not voting:

Messrs.  
Fowler

Messrs.  
Hulteng

So the bill passed and the title was agreed to and the emergency clause was declared carried.

Senate Bill No. 153. A Bill for an Act to Prevent Fraud and Deception in the Sale of Livestock Medicines; Providing

for the Registration and Labeling of Livestock Medicines; Authorizing Rules and Regulations for the Administration of this Act; Prescribing the Method of Revocation of Such Registration and Prescribing a Penalty for the Violation Thereof.

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, 3; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Nelson, Grand Fks.
Blaisdell	Kamrath	Olson
Brostuen	Kolpin	Skarvold
Cain	Kroeber	Strehlow
Coffey	Lavik	Stucke
Crandall	Lemke	Thatcher
Drew	Lian	Thorson
Ettestad	Lowe	Topp
Fine	Lynn	Trout
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Whelan
Greene	Morrison	Williams
Gronvold	Mutchler	Wog
Guenther	Nelson, Barnes	Young
Guthrie		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Gilbertson	Owings	Streibel

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Hulteng	Watt

So the bill passed and the title was agreed to.

Senator Johnson moved that further consideration of Senate Bill No. 24 be indefinitely postponed.

Which motion was lost.

Senate Bill No. 178. A Bill for an Act Making an Appropriation for Improvements and Repairs at the North Dakota Soldiers' Home at Lisbon, North Dakota.

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, 4.



Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Owings
Bilden	Kamrath	Skarvold
Blaisdell	Kolpin	Strehlow
Brostuen	Kroeber	Streibel
Coffey	Lavik	Stucke
Crandall	Lemke	Thatcher
Drew	Lian	Thorson
Ettestad	Lowe	Topp
Fine	Magoffin	Trout
Fowler	McGillic	Vinje
Fredrickson	Morrison	Watt
Gilbertson	Mutchler	Whelan
Greene	Nelson, Barnes	Williams
Gronvold	Nelson, Grand Fks.	Wog
Guenther	Olson	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Cain	Johnson	Lynn
Hulteng		

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Senator Fowler moved that the Senate proceed to read Senate Bills No. 120 and 24, and that roll call on such measures be deferred one legislative day.

Which motion prevailed.

Senate Bill No. 120 was read the second time.

Senate Bill No. 24 was read the second time.

#### FIRST READING OF HOUSE BILLS

House Bill No. 219. A Bill for an Act Requiring the Adjutant General to Secure Information and Keep Records of and Concerning the Burial Places of Deceased War Veterans Who Died in or Are Buried in the State of North Dakota and to Provide Methods and Means of Performing This Duty.

Was read the first time and referred to the Committee on Immigration and Statistics.

House Bill No. 233. A Bill for an Act Declaring That All Beer and Ale Manufactured or Sold in the State of North Dakota Containing 4%, or Less, of Alcohol by Weight, Shall Be Controlled by and Subject to the Provisions of the State Laws Relating to 3.2 Alcohol Content Beer; Declaring an Emergency.

Was read the first time and referred to the Committee on Temperance.

House Bill No. 248. A Bill for an Act Imposing an Excise Tax on Motor Vehicles for the Privilege of Using the Streets

and Highways of This State; to Provide for the Collection of Such Tax; the Distribution and Use of the Revenue Derived Therefrom and the Administration of Said Law; Providing for Certain Exemptions; Fixing Fines and Penalties for the Violation of the Provisions of This Act; Defining Motor Vehicles and Declaring an Emergency.

Was read the first time and referred to the Committee on Highways.

House Bill No. 234. A Bill for an Act Requiring All Licensed Liquor Dealers to Make Available Reports, Records, Vouchers, Books, and Other Documents to the State Treasurer; Providing for Examination; Providing Penalties for Delinquencies and for Violations.

Was read the first time and referred to the Committee on Temperance.

House Bill No. 240. A Bill for an Act to Amend and Re-enact Section 1, Chapter 159, Session Laws for 1930, as Amended and Re-enacted by Chapter 130, Session Laws for the Year 1933, and as Again Amended and Re-enacted by Chapter 142 of the Session Laws for the Year 1935, Defining Imitation Ice Cream, Providing Penalty for Violation and Declaring an Emergency.

Was read the first time and referred to the Committee on Public Safety.

House Bill No. 249. A Bill for an Act Providing for the Collection of Real Property Taxes by the Collection of Rents from Such Property, Providing for the Duties of the District Court and the County Treasurer in Connection Therewith, Providing for the Service of the Court Order, the Application of Such Rents by the County Treasurer, Providing for Contempt for Failure to Comply with the Order of the Court, Providing That the Payments of the Rent Under the Order Shall Have Precedence Over Prior and Subsequent Liens and Assignments, Providing for Appeals, Providing That the Remedy is in Addition to Other Remedies, Repealing All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

Was read the first time and referred to the Committee on Taxes and Tax Laws.

Senator Wog moved that the Senate recess until 10:00 o'clock A. M., tomorrow, which motion prevailed.

The Senate stood recessed.

#### COURTESIES OF THE FLOOR

The courtesies of the floor were extended to: Henry Holt, Oscar Redwing, Mat Butler, Roland Davis, Grand Forks; Harold Lutz, Ed. Crook, Mrs. F. T. Gronvold, Rugby; Hadrian Lestmeister, M. M. Warran, Balta; Alyce Amundson, Bismarck; Bert Smutz, Devils Lake; Louis McKay, Jane Shmid, Wilton.

THOMAS McDONALD,  
Secretary.

FORTY FIFTH DAY AFTER RECESS AND  
FORTY-SIXTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
February 19, 1937.

The Senate convened at 10:00 A. M., pursuant to recess taken, President Thoresen presiding.

REPORTS OF STANDING COMMITTEES

The Committee on Insurance made the following report:

Mr. President: Your Committee on Insurance to whom was referred Senate Bill No. 62, have had the same under consideration and recommend that the same be further amended as follows:

Strike out the words "or mailing" in line 3, sub-section (h), Section 8, as printed in the Senate Journal for February 8, 1937.

In sub-section (a), Section 17, as printed in the Senate Journal for February 8, 1937, strike out all of line 2 and the word "hereto" in line 3.

And when so amended, recommend that the same do pass.

GEORGE V. COFFEY,  
Chairman,

Senator Coffey moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Irrigation and Drainage made the following report:

Mr. President: Your Committee on Irrigation and Drainage to whom was referred Senate Bill No. 180, have had the same under consideration and recommend that the same be amended as follows:

Strike out everything after the words "A BILL" and insert in lieu thereof the following:

For an Act Creating a Red River of the North Drainage Basin Commission Consisting of Three Members, One of

Whom Shall Be the Governor and Two Members Appointed by the Governor, to Act Jointly With Commissions Appointed for Like Purposes by the States of Minnesota and South Dakota With Power to Supervise the Utilization and Control of the Waters of That Portion of the Drainage Basin of the Red River of the North Lying Within the States of Minnesota, South Dakota and North Dakota.

WHEREAS, the States of Minnesota, South Dakota and North Dakota share the drainage basin of the Red River of the North and have a common interest in the most advantageous utilization of the surface waters of this drainage basin, in the control of the flood waters of this area, and in the prevention of pollution of these public waters, and

WHEREAS, action by individual States is inadequate to effectuate these purposes in a manner most advantageous to the common welfare of the people living in this drainage basin, and

WHEREAS, the only manner in which effective action can be taken with reference to these purposes is to create by compact between the said three States an interstate authority vested with sufficient power, and

WHEREAS, such an authority can best be created by the passing by the legislatures of each of said States of substantially identical bills providing for the creation of such an interstate authority.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. There is hereby created a Red River of the North Drainage Basin Commission, consisting of three members to act jointly with commissions appointed for like purposes by the states of Minnesota and South Dakota, to be called the Tri-State Waters Commission of said three states. Said commission for the State of North Dakota shall consist of three members; one of whom shall be the Governor of the State of North Dakota and two members to be named by the Governor; provided, however, that one of such members so named by the Governor shall be an actual resident of the Red River of the North Drainage Basin in North Dakota.

#### ARTICLE I

Each of the States of Minnesota, South Dakota and North Dakota undertakes to cooperate with the other two states for the most advantageous utilization of the public waters of the drainage basin of the Red River of the North, for the control of the flood waters of this drainage basin, and for the prevention of the pollution of such waters.

#### ARTICLE II

To that end the said three states do hereby create a district to be known as the Tri-State Waters Area, which shall comprise that portion of the drainage basin of the Red River of the North lying within the boundaries of the said states.

## ARTICLE III

The said three states do hereby create the Tri-State Waters Commission, which shall be a body corporate and shall have the powers, duties and jurisdiction herein set forth and such other powers, duties and jurisdiction as shall hereafter be conferred upon it by acts of the legislatures of each of said three states concurred in, when of a character to require such concurrence, by act of Congress.

## ARTICLE IV

The Tri-State Waters Commission hereafter in this compact called the Commission, shall consist of nine commissioners, three from each state, Minnesota, South Dakota and North Dakota. The commissioners for the State of North Dakota shall not be entitled to compensation except the actual necessary traveling expenses incurred in discharge of their duties in connection with this act.

## ARTICLE V

The commission shall elect from its number a chairman and vice-chairman and shall appoint and at its pleasure remove an executive secretary and such other officers and assistants as may be required to carry the provisions of this compact into effect, and shall fix and determine their duties, qualifications and compensation.

It shall adopt a seal and suitable by-laws and shall promulgate rules and regulations for its managements and control.

It may maintain one or more offices for the transaction of its business and may meet at any time or place within the said states.

A majority of the members from each state shall constitute a quorum for the transaction of business, the exercise of any powers, or the performance of any duties, but no action of the commission shall be binding unless at least two of the members from each state shall vote in favor thereof.

The commission shall keep accurate accounts of all receipts and disbursements and shall make an annual report to the governor of each state, setting forth in detail the operations and transactions conducted by it pursuant to this compact, and shall make recommendations for any legislative action deemed by it advisable, including amendments to the statutes of the said signatory states which may be necessary to carry out the intent and purpose of this compact, and such changes in the area of the district as may seem desirable.

The commission shall not incur any obligations for salaries, office or other administrative expenses prior to the making of appropriations adequate to meet the same. The State of North Dakota shall not be liable in any manner for any damages, costs or obligations by reason of any action

under the operation of this act or by reason of any action or any regulation by the Tri-State Waters Commission. Each state reserves the right to provide hereafter by law for the examination and audit of the accounts of the commission by its comptroller or other official.

The commissioners shall meet and organize within thirty days after the effective date of this compact.

#### ARTICLE VI

It shall be the duty of the commission to survey and study the various water problems relating to water supply, flood control, public health, water pollution, navigation, wild life, irrigation, drainage, water power, recreation, lake levels and stream flow within the Tri-State Waters area, and to formulate a program of regulation of water levels, stream flow and water pollution.

Such programs formulated by the Commission shall conform to the constitutions of each of the several states concerned.

#### ARTICLE VII

Programs and plans for works of an interstate character in said drainage areas prepared by the state, municipal or industrial agencies shall receive the approval of the commission before construction is begun.

It shall be the duty of the commission to maintain and control lake levels and stream flow within the area, but such action shall be taken only with the approval of the authorized state agencies.

The commission shall have power to cooperate with any duly authorized federal, state or municipal agency in studies and surveys, construction, maintenance and operation of water projects within the scope of its jurisdiction.

The commission is hereby authorized to receive and to accept, and in the name of that state wherein the same is located, any water construction unit or units or control works constructed and completed by any federal, or other agency.

The commission shall be authorized to exercise the power of eminent domain, to acquire such real and personal property as may be reasonably necessary to effectuate the purposes of this compact, and to exercise all other powers not inconsistent with the constitution of the States of Minnesota, South Dakota and North Dakota, or with the constitution of the United States, which may be reasonably necessary or appropriate for or incidental to the effectuation of its authorized purposes, and generally to exercise in connection with its property and affairs and in connection with property within its control any and all powers which may be exercised by a private corporation in connection with similar property and affairs.

#### ARTICLE VIII

All costs incident to the construction, control, maintenance and operation of any project shall be allocated by the commission to benefitted taxing units, which are authorized and directed to levy taxes at such times as authorized by law

and in such amounts as to pay such costs in full within two years after such allocation. Such costs may be estimated and allocated in advance of expenditures subject to proper allowances in subsequent allocations in so far as actual expenditures may vary from estimates.

#### ARTICLE IX

There is hereby appropriated out of the general fund not otherwise appropriated the sum of One Thousand Dollars (\$1,000.00), or so much thereof as may be necessary, to defray the actual and necessary expenses incurred by the members of the commission in carrying out the purposes of this act, including stenographic services and other incidental expenses.

#### ARTICLE X

Should any part of this compact be held to be contrary to the constitution of the State of North Dakota or of the United States, such part of said compact shall become inoperative as to the State of North Dakota but all other severable provisions of this compact shall continue in full force and effect.

#### ARTICLE XI

**EMERGENCY.** This act is hereby declared to be an emergency measure and shall take effect from and after its passage and approval.

And when so amended recommend that the same do pass.

F. T. GRONVOLD,  
Chairman.

Senator Gronvold moved that the amendments be printed in the Journal and not read, and that further consideration of the committee report on Senate Bill No. 180 be deferred one legislative day, which motion prevailed.

Senator Gronvold moved that further consideration of Senate Bill No. 204 be deferred one legislative day, which motion prevailed.

Senator Etestad moved that the Senate reconsider the vote by which Senate Bill No. 183 was indefinitely postponed, which motion was lost.

Senator Fine moved that further consideration of Senate Bill No. 79 be deferred one legislative day, which motion prevailed.

Senate Bill No. 161 was read the second time.

Senator Fowler moved that roll call on Senate Bill No. 161 be deferred until Saturday, February 20, which motion prevailed.

Senator Watt moved that the Senate reconsider the vote by which Senate Bill No. 183 was indefinitely postponed, which motion prevailed.

Senator Watt moved that the Senate Bill No. 183 be referred to the Committee on Taxes and Tax Laws, which motion prevailed.

## SECOND READING OF SENATE BILLS

Senate Bill No. 110. A Bill for an Act Validating, Ratifying, Approving, and Confirming Certain Bonds and Other Instruments or Obligations Heretofore Issued, and Validating, Ratifying, Approving and Confirming Certain Proceedings Heretofore Taken, by Public Bodies in This State.

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, 38; nays, 3; absent and not voting, 8.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Nelson, Barnes
Bilden	Guthrie	Nelson, Grand F'ks.
Blaisdell	Kamrath	Olson
Brostuen	Kolpin	Skarvold
Crandall	Kroeber	Strehlow
Drew	Lavik	Stucke
Ettestad	Lemke	Trout
Fine	Lian	Vinje
Fowler	Lowe	Watt
Fredrickson	Lynn	Williams
Gilbertson	McGillic	Wog
Greene	Morrison	Young
Gronvold	Mutchler	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Owings	Streibel	Thorson

Absent and not voting:

Messrs.	Messrs.	Messrs.
Cain	Johnson	Topp
Coffey	Magoffin	Whelan
Hulteng	Thatcher	

So the bill passed and the title was agreed to.

Senate Bill No. 213. A Bill for an Act to Amend and Re-enact Section 2093 of the Supplement to the Compiled Laws of 1913, Defining Manner of Listing Real and Personal Property and Declaring an Emergency.

Was placed on second reading and final passage.

Senator McGillic moved that Senate Bill No. 213 be amended as follows:

On page 2, line 16 of the printed bill, strike out the words "May 1st" and insert the words "April 7th".

Which motion prevailed.

Senator McGillic moved that the rules be suspended and Senate Bill No. 213 be considered properly re-engrossed, and placed upon Second Reading and Final Passage, as amended, 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, 27; nays, 17; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	McGillic
Bilden	Guthrie	Mutchler
Blaisdell	Kamrath	Strehlow
Cain	Kolpin	Stucke
Crandall	Kroeber	Trout
Drew	Lemke	Vinje
Fine	Lian	Watt
Fowler	Lynn	Wog
Gilbertson	Magoffin	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Brostuen	Lowe	Skarvold
Ettestad	Morrison	Streibel
Fredrickson	Nelson, Barnes	Thatcher
Greene	Nelson, Grand Fks.	Thorson
Gronvold	Olson	Williams
Lavik	Owings	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Coffey	Johnson	Whelan
Hulteng	Topp	

So the bill passed and the title agreed to, and the emergency clause declared carried.

Senate Bill No. 198. A Bill for an Act to Amend and Re-enact Section 2166 of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 241 of the Session Laws of North Dakota for 1929, and as Amended by Section 1 of Chapter 279 of the Session Laws of North Dakota for 1931; Section 2 of Chapter 279 of the Session Laws of North Dakota for 1931; Section 2169 and Section 2175 of the Compiled Laws of North Dakota for 1913; and Section 2178 of the Compiled Laws of North Dakota for 1913, as Amended by Section 1 of Chapter 122 of the Session Laws of North Dakota for 1935, Providing for the Delinquency of Personal Property Taxes, the Penalty Thereon and the Collection Thereof by the County Treasurer; Providing for a Lien for Delinquent Personal Taxes; Providing for Delinquent Tax Lists and the Duties of the Board of County Commissioners in Connection Therewith; Providing for the Duties of the County Treasurer and for His Neglect or Refusal to Perform His Duty in Connection Therewith, and for a penalty; Providing for the Fees for the Sheriff, or County Treasurer in Making Distress for Personal Taxes; Repealing Sections 2167, 2168 and 2173 of the Compiled Laws of North Dakota for 1913 and All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

Was read the second time.

Senator Strehlow moved that Senate Bill No. 198 be amended as follows:

In line 33, page 8, of the printed bill strike out the word "minute" and insert the word "minutes".

Which motion prevailed.

Senator Brostuen moved that the rules be suspended and Senate Bill No. 198 be considered properly re-engrossed, and placed upon Second Reading and Final Passage, as amended, 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, 25; nays, 19; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Mutchler
Brostuen	Guthrie	Nelson, Barnes
Cain	Kamrath	Strehlow
Crandall	Lian	Vinje
Drew	Lowe	Watt
Ettestad	Lynn	Whelan
Fowler	Magoffin	Wog
Fredrickson	McGillic	Young
Gronvold		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Bilden	Lemke	Streibel
Fine	Morrison	Stucke
Gilbertson	Nelson, Grand Fks.	Thatcher
Greene	Olson	Thorson
Kolpin	Owings	Trout
Kroeber	Skarvold	Williams
Lavik		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Blaisdell	Hulteng	Topp
Coffey	Johnson	

So the bill passed and the title was agreed to, and the emergency clause was declared lost.

Senator Gronvold moved that the vote by which Senate Bill No. 198 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion lost.

Senate Bill No. 236. A Bill for an Act Prohibiting the Admission of Any Minor Into Any Retail Liquor Store in the State of North Dakota Holding an "On Sale" License Under the Provisions of the Liquor Control Act of This State, and

Requiring Rigid Enforcement of This Act by Police Officials and State's Attorneys, and Declaring an Emergency.

Was placed on second reading and final passage.

Senator Mutchler moved that Senate Bill No. 236 be amended as follows:

In lines 4 and 5 of Section 1, strike out the words "except those selling only beer and licensed under the Beer Law of this State".

Senator Gilbertson moved, as a substitute motion, that further consideration of Senate Bill No. 236 be indefinitely postponed.

Which motion was lost.

The question being on the motion of Senator Mutchler to amend, the motion prevailed.

Senator Cain moved that Senate Bill No. 236 be amended as follows:

In the title of the bill, line 5, following the word "attorneys", insert the words "providing penalties".

Following end of Section 2 insert the following: "Section 3. PENALTY.) Any person violating any of the provisions of this Act shall, upon conviction, be deemed guilty of a misdemeanor and fined in a sum not to exceed fifty dollars (\$50.00) or by imprisonment in the county jail for a period not to exceed thirty days, or by both such fine and imprisonment, at the discretion of the court".

On page 2 of the printed bill, line 1, strike out "Section 3" and insert "Section 4".

Which motion prevailed.

Senator Young moved that the rules be suspended and Senate Bill No. 236 be considered properly re-engrossed and placed upon Second Reading and Final Passage, as amended, which motion prevailed.

### ROLL CALL

The question being on the final passage of Senate Bill No. 236, as amended, the roll was called and there were ayes, 37; nays, 9; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kolpin	Olson
Bilden	Kroeber	Skarvold
Brostuen	Lavik	Strehlow
Cain	Lemke	Stucke
Crandall	Lian	Thorson
Drew	Lowe	Trout
Fine	Lynn	Vinje
Fowler	Magoffin	Watt
Greene	McGillic	Whelan
Gronvold	Morrison	Williams
Guenther	Mutchler	Wog
Guthrie	Nelson, Barnes	Young
Kamrath		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Gilbertson	Owings
Ettestad	Johnson	Streibel
Fredrickson	Nelson, Grand Fks.	Thatcher

Absent and not voting:

Messrs.	Messrs.	Messrs.
Coffey	Hulteng	Topp

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Senator Young moved that the vote by which Senate Bill No. 236 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Strehlow: I am going to vote "aye" on this measure, at the same time I am opposed to any minor entering any kind of a liquor store, whether he is with a guardian or not.

The President called Senator Owings to the chair.

Senate Bill No. 141. A Bill for an Act to Promote the Public Welfare by Providing for Public Assistance to Aged Persons in Need.

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, 46; nays, 0; absent and not voting 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Olson
Bilden	Kamrath	Owings
Blaisdell	Kolpin	Skarvold
Brostuen	Kroeber	Strehlow
Cain	Lavik	Streibel
Crandall	Lemke	Stucke
Drew	Lian	Thatcher
Ettestad	Lowe	Thorson
Fine	Lynn	Trout
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young
Guthrie		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Coffey	Hulteng	Topp

So the bill passed, the title was agreed to, and the emergency clause declared carried.

The President resumed the chair.

Senator Kroeber requested that the Senate return to the Seventh Order of Business, which request was granted.

Senator Kroeber moved that the Senate reconsider the vote by which Senate Bill No. 82 was indefinitely postponed, which motion prevailed.

Senator Thorson moved that Senate Bill No. 82 be placed at the foot of the calendar.

Which motion prevailed.

Senator Fine moved that the Senate do now recess until 1:30, which motion prevailed.

The Senate reconvened pursuant to recess taken.

Senator Fowler requested a call of the Senate, which request was granted.

Senator Watt moved that the Senate do now adjourn, which motion prevailed. The Senate stood adjourned.

THOMAS McDONALD,  
Secretary.

#### FORTY-SIXTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
February 19, 1937.

The Senate convened at 2:00 p. m. pursuant to adjournment, the President presiding.

Prayer by the Chaplain, Rev. A. R. Henry, Mandan.

Roll Call: All members present except Senators Coffey and Hulteng.

Senator Gronvold moved that all absent Senators be excused, which motion prevailed.

#### MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 19, 1937.

Mr. Speaker: I have the honor to return herewith the following bill:

House Bill No. 60. A Bill for an Act Making an Appropriation to Provide Funds for the Payment of a Deficit in the Office of the Commissioner of Agriculture and Labor.

Which the Senate has passed unchanged.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 19, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bills:

Senate Bill No. 76. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the State Highway Department.

Also,

Senate Bill No. 227. A Bill for an Act Re-establishing the North Dakota Mill and Elevator Association; Providing for the Creation of the Board of Managers and Defining Its Powers, Duties, and Qualifications to Such Board; Providing for the Appointment of an Auditor and for the Filling of Vacancies on Such Board; Providing for Removal of Members of Such Board; Providing for the Organization of Such Board and the Matter of Conducting Business; Providing Procedure in Actions Brought Against Such Association; Providing for Employees and Bonds; Providing for Examination by the State Examiner and Repealing Chapter 268 of Session Laws of 1931 and Chapter 193 of the Session Laws of 1933.

Also,

Senate Bill No. 111. A Bill for an Act Authorizing Municipalities to Acquire, Construct, Re-construct, Improve, Better, and Extend Certain Revenue-producing Undertakings; to Maintain and Operate the Same and to Prescribe, Revise and Collect Rates, Fees, Tolls, and Charges for the Services, Facilities, and Commodities Furnished Thereby, and, in Anticipation of the Collection of the Revenues Thereof, to Issue Bonds Payable Solely From Such Revenues; Regulating the Issuance of Such Bonds and Providing for Their Payment and for the Rights of the Holders Thereof, and Other Matters Necessary in the Premises; and Declaring an Emergency.

Also,

Senate Bill No. 151. A Bill for an Act to Authorize, Regulate and Control the Transportation, Importation, Handling, Possession, Purchase, Sale and Dispensing of Alcohol and Alcoholic Beverages, as Now Defined by Law, in This State by Common Carriers, Providing for the Method of Taxing and Licensing Alcohol and Alcoholic Beverages When Handled and Sold by Common Carriers, and of Expanding and Distributing the Revenues from Such Taxes and Licenses, and Providing Penalties for the Violation of This Act; and Declaring an Emergency.

Also,

Senate Bill No. 212. A Bill for an Act Providing for the Cancellation and Release of Gas and Oil Leases Which Have Expired by the Terms Thereof and Have Not Been Renewed

of Record Within Five Years After the Expiration Thereof, and Declaring an Emergency.

Also,

Senate Bill No. 189. A Bill for an Act to Amend and Re-enact Sub-section 19 of Section 3861 of the Compiled Laws of North Dakota for the Year 1913, Relating to Penalties Imposed for Violation of Village Ordinances; and Declaring an Emergency.

Which the Senate has passed and your favorable consideration is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
February 19, 1937.

Mr. President: I have the honor to return herewith the following bill:

Senate Bill No. 97. A Bill for an Act to Provide for the Collection of Delinquent Taxes Levied and Assessed Upon Real and/or Personal Property from the Rents, Issues and Income Thereof by Means of Receivership. Repealing All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

Which the House has indefinitely postponed.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 19, 1937.

Mr. President: I have the honor to return herewith the following bills:

Senate Bill No. 106. A Bill for an Act to Amend and Re-enact Section 7792 of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 154 of the Session Laws of North Dakota, for 1933, Relating to the Amount of Costs on Foreclosure of Liens, Who Entitled Thereto, Prohibiting the Division of Attorney Fees, Prescribing Penalty for Violation, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Also,

Senate Bill No. 77. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the Workmen's Compensation Bureau.

Also,

Senate Bill No. 56. A Bill for an Act Making an Appro-

priation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Normal School, Mayville, North Dakota.

Also,

Senate Bill No. 7. A Bill for an Act Making an Appropriation for the Purpose of Indemnifying Owners of Animals Infected with Bovine Tuberculosis and to Pay Expenses in Connection Therewith.

Which the House has passed unchanged.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 19, 1937.

Mr. President: I have the honor to transmit herewith the following bills:

House Bill No. 130. A Bill for an Act to Amend and Re-enact Section 3264 of the Compiled Laws of North Dakota for 1913 Relating to the Term of Office of County Commissioners.

Also,

House Bill No. 250. A Bill for an Act to Amend and Re-enact Section 635 of the 1935 Compiled Laws of the State of North Dakota With Reference to Availability of Appropriations, Repealing All Acts in Conflict, and Declaring an Emergency.

Also,

House Bill No. 188. A Bill for an Act Authorizing Any Banking Institution to Establish Stations for Receiving of Deposits and the Payment of Checks and Similar Bank Paper, Subject to the Approval and Supervision of the State Banking Board, and Prohibiting Branch Banking.

Also,

House Bill No. 214. A Bill for an Act to Validate Actions Taken in Cities in Connection With Special Elections of the Question of Erecting Electric Light and Power Systems and Authorizing the Construction of Such Systems, and Declaring an Emergency.

Also,

House Bill No. 246. A Bill for an Act to Amend and Re-enact Section 2, of Chapter 141, of the 1927 Session Laws, Relating to the Prevention of Fraud and Deception in the Manufacture and Sale of Concentrated, Commercial Feeding Stuffs and Providing for Registration and Labeling Thereof and Repealing Acts in Conflict Therewith.

Also,

House Bill No. 332. A Bill for an Act Creating Pensions for Disabled or Retired Policemen, Their Widows, and Children Under Sixteen Years of Age; Disabled or Retired Po-



lice Matrons and Their Children Under Sixteen Years of Age; and Widows of Policemen Who Die in the Service, and Their Children Under Sixteen Years of Age; in Cities Now or Hereafter Having a Population in Excess of Twenty-five (25,000) Thousand by the Last Official Census, Federal or State; and Providing for a Fund Out of Which Such Pensions Shall Be Paid; and for the Establishment of a Pension Board for the Management, Control and Distribution of Such Fund.

Also,

House Bill No. 307. A Bill for an Act Amending and Re-enacting Sections 2 (f), 3, 4, 8 and 14 of Chapter 214 of the Session Laws of North Dakota for 1931: Entitled—"An Act to Establish a Standardized and Uniform System of Grading, Labeling and Inspecting Potatoes and Certain Other Produce, and to Regulate the Sale and Distribution of Potatoes in Closed Containers, and Making an Appropriation Therefor."

Also,

House Bill No. 299. A Bill for an Act to Amend and Re-enact Section 860 of the Compiled Laws of North Dakota for the Year 1913; and Repealing All Acts or Parts of Acts in Conflict Herewith.

Also,

House Bill No. 254. A Bill for an Act to Amend and Re-enact Section 951 Compiled Laws of North Dakota for 1913 and Chapter 136 Session Laws of 1927; Providing for Inspectors, Judges and Clerks of Election, Their Qualifications and Duties; Repealing Acts or Parts of Acts in Conflict Herewith.

Also,

House Bill No. 235. A Bill for an Act to Appropriate \$2,500.00 to Be Paid to the State Historical Society of North Dakota Under the Direction of the Federal Writers' Project of the Works Progress Administration, to Be Used for the Printing of The North Dakota Guide, and Providing for the Return of the Money to the State Treasurer, and Providing the Manner of Printing, Distributing, and Accounting for Sale of Said Book.

Also,

House Bill No. 260. A Bill for an Act to Repeal Sections 10133 and 10134 of the Compiled Laws of North Dakota of 1913 Being the Act Making it Unlawful to Advertise Intoxicating Liquors Within the State and Prescribing Penalty Therefor.

Also,

House Bill No. 201. A Bill for an Act Providing for the Regulation of Dealers in Livestock and Poultry and Defining Who are Dealers; Act Not Applicable, To Whom: License and Bond Required; Duties of Carrier When Shipment of Livestock and Poultry Offered; Powers and Duties of Railroad Commission; Acts of Deceit, Fraud, Dishonesty, and Appropriating Fees Collected to the Use of the Board of Railroad Commissioners for the Administration and

Enforcement of the Act Authorizing the Board of Railroad Commissioners to Apply to the District Court for its Appointment as Trustee for the Benefit of Holders of Claims Against Livestock Dealers and Livestock or Poultry Purchased by Said Dealers, and to Marshal the Trust Assets of Such Insolvent and Distribute Such Trust Assets Among Such Claimants; Penalty for Violation of Act; and, Repealing All of Chapter 2 of the Session Laws of the State of North Dakota for the year 1935; and Repealing All Acts in Conflict Herewith; and Making the Act an Emergency Measure.

Which the House has passed and your favorable consideration is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### REPORT OF COMMITTEE ON CORRECTION AND REVISION OF THE JOURNAL

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 Forty-fourth Day after Recess and Forty-fifth Day and recommend that the same be corrected as follows:

On page 874, line 23, strike out the figure "8," and insert in lieu thereof the figure "2".

On page 861, line 6 from bottom of page, strike out the word "Barnes" and insert the words "Grand Forks".

And when so corrected recommend that the same be approved.

C. C. MORRISON,  
Chairman.

Senator Young moved that the report be adopted, which motion prevailed and the report was adopted.

#### PETITIONS AND COMMUNICATIONS

The following petitions and communications were received, read from the desk, and referred to the appropriate committees:

A communication from the State Mill and Elevator to effect there was no evidence that the "Delinquent Personal Property Tax Statute" had been complied with in the past, but same would be complied with in future.

A petition signed by 75 members of the North Dakota Railroad Employees Association of Grand Forks, urging defeat of Senate Bill No. 120 and passage of Senate Bill No. 79.

#### 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 Bill No. 14. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the State Historical Society.

Was delivered to the Governor for his approval at the hour of 3:20 o'clock P. M., February 9, 1937.

WILLIAM KROEBER,  
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:

SENATE CONCURRENT RESOLUTION "J".

And find the same correctly enrolled.

WILLIAM KROEBER,  
Chairman.

Senator Kroeber 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 bills:

Senate Bill No. 79. A Bill for an Act Providing for the Regulation, Supervision and Control of the Transportation of Persons and Property by Motor Vehicles Upon the Public Highways of This State, and Prescribing Compensation to Be Paid for the Unusual Use of Such Highways, and Providing for the Disposition of Funds Derived Hereunder, and Providing for the Administration Hereof, and Repealing All Acts in Conflict Herewith.

Also,

Senate Bill No. 220. A Bill for an Act to Repeal Chapter 138 of the Session Laws of North Dakota for the Year 1929 as Amended by Chapter 138 of the Session Laws of North Dakota for the Year 1931, Providing for the Storage of Grain Upon Farms and On or Near Railway Rights-of-Way Within the State of North Dakota; Regulating the Same for the Purpose of Procuring Loans Upon Such Grain; Making Provisions for the Issuance of Negotiable Warehouse Certificates Upon Grain so Stored, Not in a Public Warehouse; Creating the Office of "Grain Storage Commissioner of North Dakota", Prescribing His Duties and Empowering Him to Make Rules and Regulations Necessary or Advisable to the Purposes of Such Act; Prescribing Penalties for the Violation of the Provisions Thereof; and Repealing All Acts and Parts of Acts in Conflict Therewith.

Also,

Senate Bill No. 222. A Bill for an Act Establishing and Defining the Powers and Duties of a State Soil Conservation Committee; Providing for the Creation of Soil Conservation Districts and Defining the Powers and Duties Thereof; Empowering Such Districts to Adopt Programs and Regulations in Connection With Land Use Practices; Providing for the Selection of District Supervisors; Providing for the Adoption of Land Use Regulations and Providing Penalty for Violation of the Same; Providing for Boards of Adjustment in Connection With Land Use Regulations; Providing for the Discontinuance of Districts; Making an Appropriation and Declaring an Emergency.

Also,

Senate Bill No. 187. A Bill for an Act Providing for Establishing, on Petition, of Temporary and Permanent Farm and Rural Home Advisory Councils, Under Whose Guidance Shall Be Conducted Agricultural, Home Economics and 4-H Club Programs, Providing for the Levy of an Annual Tax Therefor and for Term of Office of Council, Manner of Creating and Provision for Traveling Expense of Permanent Council, for the Appointment of Extension Agents, the Budgeting of Expenses and for Procedure to Discontinue Levy for Agricultural, Home Economics, and 4-H Club Programs in Any County, Providing for Applicability of This Act to Counties Where the County Extension Work Has Been Provided and is Being Conducted Under the Statutes in Force Prior to the Enactment of This Act, and for the Discontinuance in Such Counties Within a Fixed Period of the County Work so Performed Under Former Statutes, and Repealing Section 3259A of the 1925 Supplement to the Compiled Laws of 1913 and All Acts or Parts of Acts in Conflict Herewith.

Also,

Senate Bill No. 158. A Bill for an Act to Provide for the Attendance of Non-Resident Students at the Public Schools of This State; to Regulate the Terms of Their Admission; and to Permit the Payment by School Boards of Tuition, Transportation, Board and Lodging of Resident Students Attending Other Schools.

And find the same correctly engrossed.

WILLIAM KROEBER,  
Chairman.

Senator Kroeber moved that the report be adopted, which motion prevailed, and the report was adopted.

#### REPORTS OF STANDING COMMITTEES

The Committee on Elections made the following report:

Mr. President: Your Committee on Elections to whom was re-referred Senate Bill No. 126, have had the same under consideration and recommend that the same do pass.

E. F. MUTCHLER,  
Chairman.

Senator Mutchler moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Apportionment made the following report:

Mr. President: Your Committee on Apportionment to whom was referred Senate Bill No. 146, have had the same under consideration and return the same without recommendation.

WM. KAMRATH,  
Chairman.

Senator Cain moved that Senate Bill No. 146 be placed on the calendar.

Which motion prevailed.

The Committee on Public Health made the following report:

Mr. President: Your Committee on Public Health to whom was referred Senate Bill No. 182, have had the same under consideration and recommend that the same be amended as follows:

In line 13, page 2, of the printed bill, strike out the word and figures "ten (10)", and insert in lieu thereof the word and figures "fifteen (15)".

In line 11, page 3, of the printed bill, strike out the word and figures "ten (10)", and insert in lieu thereof the word and figures "fifteen (15)".

And when so amended recommend the same do pass.

E. C. STUCKE,  
Chairman.

Senator Stucke moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Highways made the following report:

Mr. President: Your Committee on Highways to whom was referred Senate Bill No. 194, have had the same under consideration and recommend that the same do pass.

GUST WOG,  
Chairman.

Senator Wog moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Taxes and Tax Laws made the following report:

Mr. President: Your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 238, have had the same under consideration and recommend that the same be amended as follows:

In line 2 of the title of the printed bill, after the word "all," insert the word "state".

In line 1, Section 1, of the printed bill, after the word "all," insert the word "state".

On page 2, line 21, of the printed bill, after the word "fund," insert the following language: "nor to transactions

of statutory boards or commissions regulating trades or professions”.

And when so amended recommend that the same do pass.

J. K. BROSTUEN,  
Chairman.

Senator Brostuen moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Federal Relations made the following report:

Mr. President: Your Committee on Federal Relations to whom was referred Senate Bill No. 239, have had the same under consideration and recommend that the same do pass.

J. T. MCGILLIC,  
Chairman.

Senator McGillic moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Women's and Children's Welfare made the following report:

Mr. President: Your Committee on Women's and Children's Welfare to whom was referred Senate Bill No. 250, have had the same under consideration and recommend that the same do pass.

SYVER VINJE,  
Chairman.

Senator Vinje moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Taxes and Tax Laws made the following report:

Mr. President: Your Committee on Taxes and Tax Laws to whom was referred:

SENATE CONCURRENT RESOLUTION "S".

Have had the same under consideration and recommend that the same be indefinitely postponed.

J. K. BROSTUEN,  
Chairman.

Senator Brostuen moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Women's and Children's Welfare made the following report:

Mr. President: Your Committee on Women's and Children's Welfare to whom was referred House Bill No. 180, have had the same under consideration and recommend that the same do pass.

SYVER VINJE,  
Chairman.

Senator Vinje moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Johnson announced that copies of sample bill had been received from the printer and would be distributed. The lines of the printed bill corresponded with the lines of the engrossed bill submitted to the printer. Senator Johnson requested the Senators to examine the bill and submit their comments as to this type of bill to the Printing Committee.

#### FIRST READING OF SENATE BILLS

The Committee on Delayed Bills introduced:

Senate Bill No. 251. A Bill for an Act Amending and Re-enacting Section 15, of Chapter 71, of the Session Laws of the State of North Dakota for the Year 1933, Relating to Duties, Examinations and Fees of the State Examiner.

Was read the first time and referred to the Committee on Corporations.

The Committee on Delayed Bills introduced:

Senate Bill No. 252. A Bill for an Act to Amend and Re-enact Section 2, of Chapter 274, of the Session Laws of North Dakota for the Year 1935, Relating to the Deduction of Delinquent Personal Property Taxes from Salaries or Other Compensation of Elective and Appointive Officers, Agents and Employees of the State of North Dakota, All Bureaus, Boards, Commissions and Departments, and All Persons Receiving Public Funds and Extending the Application Thereof to Persons Receiving, Claiming or Demanding Money from Municipalities and Political Sub-divisions Within the State.

Was read the first time and referred to the Committee on Taxes and Tax Laws.

The Committee on Delayed Bills introduced:

Senate Bill No. 253. A Bill for an Act to Amend and Re-enact Sections 5 and 6 of Chapter 109 of the Session Laws of North Dakota for the Year 1935, Relating to Mutual Aid Corporations, and Declaring an Emergency.

Was read the first time and referred to the Committee on Banks and Banking.

The Senate resumed consideration of Senate Bill No. 120.

Senator Wog moved that Senate Bill No. 120 be amended as follows:

On page 13 of the printed bill at line 30 after the semicolon after the word "use", insert the following: "and this Act shall not apply to any farmer actually residing on his farm and engaged exclusively in farming but who, as an accomodation for hire to another farmer, transports goods for such farmer to the local market of such farmer".

Strike out amendment No. 14 as shown upon page 747 of the Senate Journal.

On page 13 of the printed bill in line 30 commencing with the word "and" after the word "use", strike out said word "and" together with all of the remainder of said line and all of lines 31-32 and 33 to and including the word "per-

formed" and insert in lieu thereof the following: "and this Act shall not apply to the transportation of any property between one farm and another farm".

Which motion prevailed.

Senator Wog moved that the rules be suspended and Senate Bill No. 120 be considered properly re-engrossed, and placed upon Second Reading and Final Passage, as amended, which motion prevailed.

### SECOND READING OF SENATE BILLS

Senate Bill No. 120. A Bill for an Act Providing for the Supervision and Regulation by the Board of Railroad Commissioners of the State of North Dakota, of the Transportation of Persons and Property Over North Dakota Public Highways by Motor Propelled Vehicles, Defining and Classifying Transportation by Motor Propelled Vehicles Affected Hereby and Providing for the Enforcement of the Provisions of this Act and for Penalties for the Violation Thereof, Repealing All of Section 2976V1 to 2976V16 Inclusive, Being Article 55b of Chapter 38 of the Political Code of the State of North Dakota of the 1925 Supplement to the 1913 Compiled Laws of the State of North Dakota, and Chapter 90 of the Session Laws of 1927; Chapter 148 of the Session Laws of 1929; Chapter 188 of the Session Laws of 1931; Chapter 164 of the Session Laws of 1933; Chapter 179 of the Session Laws of 1935, and Chapter 182 of the Session Laws of 1935; and All Other Acts or Parts of Acts in Conflict With This Act, 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, 23; nays, 22; absent and not voting 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Gronvold	Morrison
Bilden	Guenther	Nelson, Grand Fks.
Brostuen	Johnson	Strehlow
Drew	Lian	Watt
Ettestad	Lowe	Whelan
Fowler	Lynn	Wog
Fredrickson	Magoffin	Young
Gilbertson	McGillic	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Lemke	Stucke
Crandall	Mutchler	Thatcher
Fine	Nelson, Barnes	Thorson
Greene	Olson	Topp
Kamrath	Owings	Trout
Kolpin	Skarvold	Vinje
Kroeber	Streibel	Williams
Lavik		



Absent and not voting:

Messrs. Cain Coffey	Messrs. Guthrie	Messrs. Hulteng
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So the bill lost due to want of a constitutional majority.

Senator Brostuen: I think some of the amendments that have been put on the bill have weakened the bill to a certain extent, but in spite of that I am going to vote for the bill. I vote "aye".

Senator Lowe moved that Senate Bill No. 24 be amended as follows:

In Section 42, sub-section E, strike out the following language: "Otherwise the Certificate of Title shall be delivered to the person named to receive the same in the application of such certificate," and add the following language: "Otherwise the Certificate of Title shall be delivered to the person holding the first lien or encumbrance upon the vehicle as shown in the certificate".

In Section 67, add sub-section "E" which shall read: "Said Certificate of Title, when issued by the Department showing a lien or encumbrance, shall be deemed adequate constructive notice to creditors and purchasers of such lien or encumbrance against the motor vehicle, and the filing of any contract, chattel mortgage or other instrument evidencing such lien or encumbrance shall not be necessary and shall not be required. Provided, that if the Application for a Certificate of Title referred to in Section 36 shall be received by the Department within ten days after the date of execution of the contract, chattel mortgage or other instrument evidencing the lien or encumbrance, the constructive notice shall date from the time of the execution of such conditional sale contract, chattel mortgage or other instrument; otherwise constructive notice shall date from the time of receipt of the Application by the Department."

Which motion prevailed.

Senator Watt moved that Senate Bill No. 24 be amended as follows:

Strike out all of Section 117 and insert the following:

"The following licenses shall be payable bi-ennially, viz:

Operator's license for adults .....	\$.75
Operator's license for minors .....	.35
The following licenses shall be payable annually, viz:	
Special School bus operator's license .....	\$1.00
Chauffeur's license .....	2.50
The following fees shall be charged for duplicates, viz:	
Duplicate operator's or chauffeur's license .....	\$.25
Duplicate chauffeur's badge .....	.50

"The term 'adult' as defined in this section shall mean any person 21 years of age or over and the term 'minor' shall refer to persons under 21 years of age".

Which motion prevailed.

Senator Watt moved that Senate Bill No. 24 be amended as follows:

On page 85 of the printed bill, line 6, strike out the words and figures "ten thousand dollars (\$10,000.00) and insert in lieu thereof the words and figures "eight thousand dollars (\$8,000.00)".

Which motion prevailed.

Senator Wog moved that Senate Bill No. 24 be amended as follows:

In line 29, page 738 of the Senate Journal, after the word "bus," insert the word "truck"; and on page 742, line 3 from bottom of page, strike out the figures "70" and insert the figures "79".

Which motion prevailed.

Senator Drew moved that Senate Bill No. 24 be amended as follows:

On page 77 of the printed bill, line 27, following the word "highways," strike out the period, insert a semicolon and add the following: "provided that deafness in itself shall not be considered a disqualification."

Which motion prevailed.

Senator Brostuen moved that Senate Bill No. 24 be amended as follows:

In line 10, page 173 of the printed bill, strike out the figures "45" and insert the figures "40".

Which motion prevailed.

Senator Brostuen moved to amend Senate Bill No. 24, as follows:

On page 744 of the Senate Journal in amendment 52, strike out the words and figures "forty thousand (40,000)" and insert the words and figures "thirty-five thousand (35,000)".

Which motion prevailed.

Senator Watt moved that Senate Bill No. 24 be amended as follows:

Strike out amendment 44 of the Standing Committee found on page 743 of the Senate Journal.

Which motion prevailed.

Senator Watt moved that Senate Bill No. 24 be amended as follows:

On page 21, of printed bill, line 33, after the word "commissioner," strike out the period, insert a comma, and add the following: "Provided, however, that the superintendent and no patrolman shall be paid within 20% of the maximum salary provided for in this act unless and until he shall have had two years experience as a highway patrolman in North Dakota."

Which motion prevailed.

Senator Fine moved that Senate Bill No. 24 be amended as follows:

On page 69 of the printed bill, line 7, strike out "April 1st" and insert "May 15th", and in line 8, strike out "April 1st" and insert "May 15th".

Which motion prevailed.

Senator Wog moved that the rules be suspended and Senate Bill No. 24 be considered properly re-engrossed, and placed upon Second Reading and Final Passage, as amended, which motion prevailed.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 24. A Bill for an Act Relating to Motor Vehicles, Trailers, and Semi-trailers, the Ownership Thereof, and Other Interests Therein, and to Provide for the Registration Thereof, the Issuance of Certificates of Title Therefor Upon Payment of Fees; and to License Persons in the Business of Dealing in All Motor Vehicles; Trailers, and Semi-trailers; and to Protect Owners of Such Vehicles Against Theft, Embezzlement or Other Loss Thereof; Providing for Highway Traffic Regulations; and Providing for the Administration and Enforcement of Motor Vehicle Laws and Highway Traffic Regulations by Division of Highway Safety and Patrol; Providing for the Appointment of a Registrar of Motor Vehicles and Other Employees of the Department; Providing for the Appointment of a Superintendent of Division of Highway Safety and Patrol and Other Patrolmen and Employees; Prescribing Their Salaries and Providing for the Expense of Administration; Prescribing Their Duties and Term of Office; Providing for Operator's and Chauffeur's Licenses and the Fees to Be Paid Therefor; Providing for the Taking of Registration and Operator's and Chauffeur's License Applications; Providing for the Safety, Welfare and Protection of the Traveling Public in the Use of the Highways; Providing for Uniform Regulation of Highway Traffic; Providing for the Enforcement and Penalties for the Violation of the Provisions of This Act; Prescribing Rules of Interpretation and Repealing any Act or Parts of Acts Inconsistent with or in Conflict with the Provisions of This Act.

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, 38; nays, 9; absent and not voting 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Mutchler
Bilden	Johnson	Nelson, Barnes
Blaisdell	Kamrath	Nelson, Grand Fks.
Brostuen	Kolpin	Strehlow
Cain	Kroeber	Stucke
Crandall	Lavik	Thatcher

Messrs.	Messrs.	Messrs.
Drew	Lemke	Trout
Ettestad	Lian	Vinje
Fowler	Lowe	Watt
Fredrickson	Lynn	Whelan
Gilbertson	Magoffin	Wog
Gronvold	McGillic	Young
Guenther	Morrison	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Fine	Owings	Thorson
Greene	Skarvold	Topp
Olson	Streibel	Williams

Absent and not voting:

Messrs.	Messrs.
Coffey	Hulteng

So the bill passed and the title was agreed to.

Senator Strehlow moved that the vote by which Senate Bill No. 24 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Lian moved that the Senate do now recess for 10 minutes, which motion prevailed.

The Senate reconvened pursuant to recess taken.

The President called Senator Cain to the chair.

The Senate resumed consideration of

Senate Bill No. 63. A Bill for an Act Establishing and Creating the North Dakota Regulatory Department, Providing for Appointment of a Director, Assistant Director and an Inspector of Said Regulatory Department, Fixing Their Salaries and Expenses, Providing for the Deposit of All Moneys Collected by Said Regulatory Department. Providing for the Duties of Said Director, Assistant Director and Inspector of Said Department, Transferring to Said Regulatory Department from the Officers Now Charged Therewith, the Enforcement of Said Regulatory Laws of This State, Imposing Certain Duties as to Inspection and Licensing of Weights and Measures and as to Collection of Certain Taxes and Providing for the Distribution of the Moneys Collected by the Regulatory Department to the Counties and State Equalization Fund. Repealing All Acts and All Parts of Acts in Conflict Herewith.

Senator Brostuen moved that Senate Bill No. 63 be amended as follows:

Strike out the amendment of the Standing Committee at the end of line 24, page 8 of the printed bill, following the word "office".

Which motion prevailed.

Senator Brostuen moved that Senate Bill No. 63 be amended as follows:

On page 7, Section 5 of the printed bill, lines 8 and 9, strike out the words and figures "Twenty-four Hundred (\$2,400.00) Dollars" and insert the words and figures "Two Thousand Dollars (\$2,000.00)".

Which motion prevailed.

Senator Watt moved that Senate Bill No. 63 be amended as follows:

On page 6 of the printed bill, Section 4, lines 12 and 13, strike out the words and figures "Twenty-Four Hundred (\$2,400.00) Dollars" and insert the words and figures "Three Thousand Dollars (\$3,000.00)".

Which motion prevailed.

Senator Brostuen moved that the rules be suspended and Senate Bill No. 63 be considered properly re-engrossed, and placed upon Second Reading and Final Passage, as amended, which motion prevailed.

ROLL CALL

The question being on the final passage of Senate Bill No. 63, as amended, the roll was called and there were ayes, 26; nays, 20; absent and not voting 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Gronvold	Nelson, Grand Fks.
Brostuen	Guenther	Strehlow
Cain	Guthrie	Trout
Crandall	Johnson	Vinje
Drew	Kroeber	Watt
Ettestad	Lavik	Whelan
Fowler	Lian	Williams
Fredrickson	Magoffin	Wog
Gilbertson	Nelson, Barnes	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Bilden	Lynn	Streibel
Blaisdell	McGillic	Stucke
Greene	Morrison	Thatcher
Kamrath	Mutchler	Thorson
Kolpin	Olson	Topp
Lemke	Owings	Young
Lowe	Skarvold	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Coffey	Fine	Hulteng

So the bill passed and the title was agreed to.

Senator Gilbertson moved that the vote by which Senate Bill No. 63 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The Senate had under consideration Senate Bill No. 2.

Senator Williams moved that further consideration of Senate Bill No. 2 be deferred until Monday.

Senator Fowler moved, as a substitute motion, that the Senate proceed with Second Reading and Final Passage of Senate Bill No. 2.

Which motion prevailed.

The President resumed the chair.

Senate Bill No. 2. A Bill for an Act Providing for the Refunding of the Indebtedness of the State of North Dakota, the Issuance of Refunding Bonds by the Industrial Commission, Prescribing the Terms and Conditions Hereof, Providing for Their Sale Exchange and Delivery, Establishing the "Refunding Bond Fund" and the "Refunding Bond Interest Fund," Providing for Annual Tax Levies, Providing for the Retirement and Payment of North Dakota's Outstanding Obligations, Providing for the Issuance of Certificates of Indebtedness and Their Payment, Amending Chapter 148, Session Laws of 1919 (Sections 2290a1 to 2290a11, inclusive, 1925 Supplement to the 1913 Compiled Laws), Chapter 154 of the Session Laws of 1919 (Sections 2290b1 to 2290b16, inclusive, 1925 Supplement to the 1913 Compiled Laws), Chapter 292, Session Laws of 1923 (Sections 2290c1 to 2290c15, inclusive, 1925 Supplement to the Compiled Laws), Chapter 153 Session Laws of 1919 (Sections 2290d1 to 2290d17, inclusive, 1925 Supplement to the 1913 Compiled Laws), Chapter 291, Session Laws of 1923 (Sections 2290e1 to 2290e9, inclusive, 1925 Supplement of the 1913 Compiled Laws), Chapter 152, Session Laws of 1929, Chapter 102 Session Laws of 1931, Chapter 90, Session Laws of 1933, and Amendments to the Same, Transferring Assets and Funds Securing North Dakota Bonds for the Use of Refunding Bonds and Interest Thereon, Repealing All Acts or Parts of Acts Inconsistent with the Provisions of This Enactment, and Declaring an Emergency.

Was read the second time.

Senator Johnson moved that Senate Bill No. 2, be amended by striking out all of Section 16.

Which motion was lost.

### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 14; nays, 33; absent and not voting 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	McGillic	Watt
Drew	Mutchler	Whelan
Gilbertson	Nelson, Barnes	Wog
Kroeber	Topp	Young
Lavik	Trout	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Bilden	Guenther	Nelson, Grand Fks.
Blaisdell	Guthrie	Olson
Brostuen	Johnson	Owings
Cain	Kamrath	Skarvold
Crandall	Kolpin	Strehlow
Ettestad	Lemke	Streibel
Fine	Lian	Stucke
Fowler	Lowe	Thatcher
Fredrickson	Lynn	Thorson
Greene	Magoffin	Vinje
Gronvold	Morrison	Williams

Absent and not voting:

Messrs.	Messrs.
Coffey	Hulteng

So the bill was declared lost.

Senator Fowler moved that the vote by which Senate Bill No. 2 was lost be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Brostuen: Yesterday I voted to place this bill on the calendar, reserving the right to vote for or against the bill on final passage. In view of the provisions of Section 16 which closes the door entirely to the issuance of bonds or any other form of indebtedness for human relief, I am compelled to vote "no" on this bill.

Senator Fine: I was one of those who voted to place this bill on the calendar. I have secured some additional information since then and have made a further study. Because of that information and study I have changed my mind. Therefore, I vote "no".

Senator Johnson: I had hoped to vote for Senate Bill No. 2, but with Section 16 remaining in the bill I have to vote "no".

Senator Stucke: My position on the matter of interest is pretty well known. I would like to see a lower rate of interest on everything. I consider interest an evil which someday will have to be done away with altogether. But in view of the fact that I am not a revolutionist, that I do like to have things take their orderly process, and in view of the fact that I feel some dire consequences would result in at this time impairing the credit of North Dakota, I vote "no".

Senator Thatcher: In general I am heartily in favor of this bill but under the present conditions, with the relief problems we may have to face in the next two years, if this bill passed Section 16 would shut out the means of securing money. Therefore, I vote "no".

Senator Williams: I am one of these fellows that don't believe in interest at all. I believe interest is something that is not earned. It is collecting something for service which

has not been rendered, but on account of Section 16 I can not vote for this bill. We don't know if we are going to have another crop failure—but crop or no crop—that sometimes doesn't help us; it is mostly the prices. I can not vote for this bill, therefore, I vote "no".

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. 77. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the Workmen's Compensation Bureau.

Also,

Senate Bill No. 56. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Normal School, Mayville, North Dakota.

And find the same correctly enrolled.

WM. KROEBER,  
Chairman.

Senator Kroeber 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 bills:

Senate Bill No. 198. A Bill for an Act to Amend and Re-enact Section 2166 of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 241 of the Session Laws of North Dakota for 1929, and as Amended by Section 1 of Chapter 279 of the Session Laws of North Dakota for 1931; Section 2 of Chapter 279 of the Session Laws of North Dakota for 1931; Section 2169 and Section 2175 of the Compiled Laws of North Dakota for 1913; and Section 2178 of the Compiled Laws of North Dakota for 1913, as Amended by Section 1 of Chapter 122 of the Session Laws of North Dakota for 1935, Providing for the Delinquency of Personal Property Taxes, the Penalty Thereon and the Collection Thereof by the County Treasurer; Providing for a Lien for Delinquent Personal Taxes; Providing for Delinquent Tax Lists and the Duties of the Board of County Commissioners in Connection Therewith; Providing for the Duties of the County Treasurer and for His Neglect or Refusal to Perform His Duty in Connection Therewith, and for a penalty; Providing for the Fees for the Sheriff, or County Treasurer in



Making Distress for Personal Taxes; Repealing Sections 2167, 2168 and 2173 of the Compiled Laws of North Dakota for 1913 and All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

Also,

Senate Bill No. 213. A Bill for an Act to Amend and Re-enact Section 2093 of the Supplement to the Compiled Laws of 1913, Defining Manner of Listing Real and Personal Property and Declaring an Emergency.

Also,

Senate Bill No. 236. A Bill for an Act Prohibiting the Admission of Any Minor Into Any Retail Liquor Store in the State of North Dakota Holding an "On Sale" License Under the Provisions of the Liquor Control Act of This State, and Requiring Rigid Enforcement of This Act by Police Officials and State's Attorneys, and Declaring an Emergency.

Also,

Senate Bill No. 110. A Bill for an Act Validating, Ratifying, Approving, and Confirming Certain Bonds and Other Instruments or Obligations Heretofore Issued, and Validating, Ratifying, Approving and Confirming Certain Proceedings Heretofore Taken, by Public Bodies in This State.

Also,

Senate Bill No. 113. A Bill for an Act to Authorize and Regulate the Issuance of Bonds for the Purpose of Refinancing or Refinancing and Improving, Revenue-producing Works, Undertakings, and Projects by Cities, Villages and Towns, and to Provide for the Payment of Such Bonds, the Remedies of Holders Thereof; and Declaring an Emergency.

Also,

Senate Bill No. 238. A Bill for an Act Providing for the Payment to the State Treasurer of All Public Monies of the State of North Dakota, and the Disbursement and Expenditure Thereof Only Upon Prior Appropriation by the Legislature, Appropriating Certain Monies, and Providing Further that Expenditures May Be Made Only Upon Warrant After Audit of Itemized Statements of All Claims Against The State, County or Other Political Subdivision, Repealing All Acts or Parts of Acts in Conflict Therewith, Declaring an Emergency and Providing a Saving Clause.

And find the same correctly engrossed.

WILLIAM KROEBER,  
Chairman.

Senator Kroeber moved that the report be adopted, which motion prevailed, and the report was adopted.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 116. A Bill for an Act to Amend and Re-enact Section 8203, Supplement to the Compiled Laws of 1913,

Relating to the Right to Exercise Eminent Domain, 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, 7; absent and not voting, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Owings
Bilden	Kamrath	Skarvold
Blaisdell	Kolpin	Strehlow
Cain	Lavik	Streibel
Crandall	Lemke	Stucke
Ettestad	Lowe	Thorson
Fine	Lynn	Topp
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Whelan
Gilbertson	Morrison	Williams
Greene	Mutchler	Wog
Guenther	Nelson, Barnes	Young
Guthrie	Olson	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Brostuen	Nelson, Grand Fks.	Trout
Gronvold	Thatcher	Watt
Kroeber		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Coffey	Hulteng	Lian
Drew		

So the bill passed and the title was agreed to.

Senate Bill No. 169. A Bill for an Act to Provide for the Protection of Prehistoric Deposits, Relics, Indian Mounds, Graves, Village Sites, and Other Archaeological Material. To Provide for Licensing Persons Engaged in Exploring and Excavating for Ancient Ruins and Archaeological Material and Providing a Penalty for Violations.

Was read the second time.

Senator Mutchler moved that Senate Bill No. 169 be amended as follows:

Strike out the word "private" in line 4 of Section 1.

Strike out the word "exploration" wherever it occurs in the bill.

Which motion prevailed.

Senator Cain moved that the rules be suspended and Sen-

ate Bill No. 169 be considered properly re-engrossed, and placed upon Second Reading and Final Passage, as amended.

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, 47; nays, 0; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Owings
Bilden	Kamrath	Skarvold
Blaisdell	Kolpin	Strehlow
Brostuen	Kroeber	Streibel
Cain	Lavik	Stucke
Crandall	Lemke	Thatcher
Drew	Lian	Thorson
Ettestad	Lowe	Topp
Fine	Lynn	Trout
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young
Guthrie	Olson	

Absent and not voting:

Messrs.	Messrs.
Coffey	Hulteng

So the bill passed and the title was agreed to.

Senator Johnson moved that the House calendar be dropped from the calendar for tomorrow.

Which motion prevailed.

Senate Bill No. 244. A Bill for an Act Making an Appropriation to the State Historical Society for the Purchase of Land and/or Materials to Be Used in the Reconstruction of Fort Abercrombie; 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, 5; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Kroeber	Skarvold
Blaisdell	Lavik	Strehlow
Brostuen	Lemke	Streibel
Cain	Lian	Stucke

Messrs.	Messrs.	Messrs.
Crandall	Lowe	Thatcher
Ettestad	Lynn	Thorson
Fine	Magoffin	Topp
Fowler	McGillic	Vinje
Gilbertson	Morrison	Watt
Gronvold	Mutchler	Whelan
Guenther	Nelson, Barnes	Williams
Guthrie	Nelson, Grand Fks.	Wog
Johnson	Olson	Young
Kolpin	Owings	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Fredrickson	Kamrath
Drew	Greene	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Coffey	Hulteng	Trout

So the bill passed, the title was agreed to, and the emergency clause was declared carried.

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign:

Senate Bill No. 56. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Normal School, Mayville, North Dakota.

Also,

Senate Bill No. 77. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the Workmen's Compensation Bureau.

Also,

#### SENATE CONCURRENT RESOLUTION "J"

And the President signed the same in the presence of the Senate.

#### FIRST READING OF HOUSE BILLS

House Bill No. 297. A Bill for an Act to Amend and Re-enact Chapter 281 of the Session Laws of North Dakota for the Year 1927, and Chapter 74 of the Laws of 1929, Relating to the Office of Veterans' Service Commissioner, and Amending the Same with Reference to Qualifications and the Manner of Appointment of Such Service Commissioner and Salary and Expense of Carrying Out Provisions of This Act.

Was read the first time and referred to the Committee on Corporations.

House Bill No. 130. A Bill for an Act to Amend and Re-enact Section 3264 of the Compiled Laws of North Dakota for 1913 Relating to the Term of Office of County Commissioners.

Was read the first time and referred to the Committee on Counties.

House Bill No. 250. A Bill for an Act to Amend and Re-enact Section 635 of the 1913 Compiled Laws of the State of North Dakota With Reference to Availability of Appropriations, Repealing All Acts in Conflict, and Declaring an Emergency.

Was read the first time and referred to the Committee on State Affairs.

House Bill No. 188. A Bill for an Act Authorizing Any Banking Institution to Establish Stations for Receiving of Deposits and the Payment of Checks and Similar Bank Paper, Subject to the Approval and Supervision of the State Banking Board, and Prohibiting Branch Banking.

Was read the first time and referred to the Committee on Banks and Banking.

House Bill No. 214. A Bill for an Act to Validate Actions Taken in Cities in Connection With Special Elections of the Question of Erecting Electric Light and Power Systems and Authorizing the Construction of Such Systems, and Declaring an Emergency.

Was read the first time and referred to the Committee on Corporations.

House Bill No. 246. A Bill for an Act to Amend and Re-enact Section 2, of Chapter 141, of the 1927 Session Laws, Relating to the Prevention of Fraud and Deception in the Manufacture and Sale of Concentrated, Commercial Feeding Stuffs and Providing for Registration and Labeling Thereof and Repealing Acts in Conflict Therewith.

Was read the first time and referred to the Committee on Agriculture.

House Bill No. 332. A Bill for an Act Creating Pensions for Disabled or Retired Policemen, Their Widows, and Children Under Sixteen Years of Age; Disabled or Retired Police Matrons and Their Children Under Sixteen Years of Age; and Widows of Policemen Who Die in the Service, and Their Children Under Sixteen Years of Age; in Cities Now or Hereafter Having a Population in Excess of Twenty-five (25,000) Thousand by the Last Official Census, Federal or State; and Providing for a Fund Out of Which Such Pensions Shall Be Paid; and for the Establishment of a Pension Board for the Management, Control and Distribution of Such Fund.

Was read the first time and referred to the Committee on Judiciary.

House Bill No. 307. A Bill for an Act Amending and Re-

enacting Sections 2 (f), 3, 4, 8 and 14 of Chapter 214 of the Session Laws of North Dakota for 1931: Entitled—“An Act to Establish a Standardized and Uniform System of Grading, Labeling and Inspecting Potatoes and Certain Other Produce, and to Regulate the Sale and Distribution of Potatoes in Closed Containers, and Making an Appropriation Therefor.”

Was read the first time and referred to the Committee on Warehouse and Grain Grading.

House Bill No. 299. A Bill for an Act to Amend and Re-enact Section 860 of the Compiled Laws of North Dakota for the Year 1913; and Repealing All Acts or Parts of Acts in Conflict Herewith.

Was read the first time and referred to the Committee on Elections.

House Bill No. 254. A Bill for an Act to Amend and Re-enact Section 951. Compiled Laws of North Dakota for 1913 and Chapter 136 Session Laws of 1927; Providing for Inspectors, Judges and Clerks of Election, Their Qualifications and Duties; Repealing Acts or Parts of Acts in Conflict Herewith.

Was read the first time and referred to the Committee on Elections.

House Bill No. 235. A Bill for an Act to Appropriate \$2,500.00 to Be Paid to the State Historical Society of North Dakota Under the Direction of the Federal Writers' Project of the Works Progress Administration, to Be Used for the Printing of The North Dakota Guide, and Providing for the Return of the Money to the State Treasurer, and Providing the Manner of Printing, Distributing, and Accounting for Sale of Said Book.

Was read the first time and referred to the Committee on Appropriations.

House Bill No. 260. A Bill for an Act to Repeal Sections 10133 and 10134 of the Compiled Laws of North Dakota of 1913 Being the Act Making it Unlawful to Advertise Intoxicating Liquors Within the State and Prescribing Penalty Therefor.

Was read the first time and referred to the Committee on Temperance.

House Bill No. 201. A Bill for an Act Providing for the Regulation of Dealers in Livestock and Poultry and Defining Who are Dealers; Act Not Applicable, To Whom: License and Bond Required; Duties of Carrier When Shipment of Livestock and Poultry Offered; Powers and Duties of Railroad Commission; Acts of Deceit, Fraud, Dishonesty, and Appropriating Fees Collected to the Use of the Board of Railroad Commissioners for the Administration and Enforcement of the Act Authorizing the Board of Railroad Commissioners to Apply to the District Court for its Appointment as Trustee for the Benefit of Holders of Claims Against Livestock Dealers and Livestock or Poultry Pur-

chased by Said Dealers, and to Marshal the Trust Assets of Such Insolvent and Distribute Such Trust Assets Among Such Claimants; Penalty for Violation of Act; and, Repealing All of Chapter 2 of the Session Laws of the State of North Dakota for the year 1935; and Repealing All Acts in Conflict Herewith; and Making the Act an Emergency Measure.

Was read the first time and referred to the Committee on Agriculture.

Senator Fowler moved that Senate Bills No. 113 and 114 be read the second time and roll call on same deferred until tomorrow, which motion prevailed.

Senator Bill No. 113 was read the second time. Pursuant to motion by Senator Fowler, further consideration was deferred until tomorrow.

Senate Bill No. 114 was read the second time. Further consideration of same was deferred until tomorrow, pursuant to motion of Senator Fowler.

Senator Fowler moved that the Senate do now recess until one o'clock tomorrow, which motion prevailed. The Senate stood recessed.

#### COURTESIES OF THE FLOOR

The courtesies of the floor were extended to:

John Dockter, John Schmidt, Edward Frank, Jacob B. Huber, all of Martin; John Schick, Denhoff; Joe Schwertzer, Berlin; R. E. Cole, Mrs. Mary McFadgen, Fargo; J. D. Wilde, Grand Forks; H. L. Lawrence, Chicago, Ill.; Mr. and Mrs. Clarence Walin, Steele.

THOMAS McDONALD,  
Secretary.

FORTY-SIXTH DAY AFTER RECESS AND  
FORTY-SEVENTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
February 20, 1937.

The Senate convened at 1:00 P. M., pursuant to recess taken, President Thoresen presiding.

REPORTS OF STANDING COMMITTEES

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 192,

Have had the same under consideration and recommend that the same be amended as follows:

After the word "A BILL" strike out everything and insert the following:

"For an Act making an appropriation for a pension for Mrs. Thelma Crites, widow of National Guardsman John E. Crites, and Declaring an emergency.

"Be it Enacted by the Legislative Assembly of the State of North Dakota:

"Section 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of \$1,649.00 or so much thereof as may be found necessary for paying a pension to Thelma Crites, widow of John E. Crites, in accordance with Section 2423 Compiled Laws of 1913 and for the reason that Private John E. Crites of the North Dakota National Guard died from a gun shot wound accidentally received while in the performance of his duties as a National Guardsman during the month of June, 1935. Said appropriation to cover pension of \$34.00 per month from June 15, 1935, to July 1, 1939.

"Section 2. 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.

B. W. LEMKE,  
Chairman.

Senator Lemke moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Taxes and Tax Laws made the following report:

Mr. President: Your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 123,

Have had the same under consideration and recommend that the same be indefinitely postponed.

J. K. BROSTUEN,  
Chairman.

Senator Brostuen moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Taxes and Tax Laws made the following report:

Mr. President: Your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 246,

Have had the same under consideration and recommend that the same be amended as follows:

In line 5 of the title of the printed bill, strike out the word "Hereof" and insert in lieu thereof the word "thereof".

And when so amended recommend the same do pass.

J. K. BROSTUEN,  
Chairman.

Senator Brostuen moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 247,

Have had the same under consideration and recommend that the same be amended as follows:

"After the word 'A BILL' strike out everything and insert the following:

"For an Act making an appropriation for payment of a deficit in the amount appropriated for payment of Per Diem of employees of Twenty-fifth Legislative Assembly, and appropriation for deficit in the printing account of the Twenty-fifth Legislative Assembly, and Declaring an Emergency.

"Be It Enacted By the Legislative Assembly of the Senate of North Dakota:

"Section 1. APPROPRIATION.) There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of \$20,000.00, or so much thereof as may be necessary for the purpose of paying a deficit in the per diem account of employees of the Twenty-fifth Legislative Assembly and for the purpose of payment of a deficit in the printing account for printing done for the Twenty-fifth Legislative Assembly, to-wit:

"Deficit Per Diem Account of Legisla- tive Employees .....	\$10,000.00
"Deficit Printing Account .....	10,000.00
"TOTAL .....	<u>\$20,000.00</u>

"Section 2. EMERGENCY.) It is necessary that the money hereby appropriated be immediately available to provide for the payment of the per diem of the employees of the Twenty-fifth Legislative Assembly, and deficit in the printing account of the Twenty-fifth Legislative Assembly. This Act Is Hereby Declared an Emergency Measure and Shall Be In Full Force and Effect From and After Its Passage and Approval."

And when so amended recommend that same do pass.

B. W. LEMKE,  
Chairman.

Senator Lemke moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Taxes and Tax Laws made the following report:

Mr. President: Your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 248,

Have had the same under consideration and recommend that the same be amended as follows:

"In Section 1, line one of the printed bill, strike out the word and figure "three (3)" and insert in lieu thereof the word and figure "five (5)".

And when so amended recommend the same do pass.

J. K. BROSTUEN,  
Chairman.

Senator Brostuen moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Taxes and Tax Laws made the following report:

Mr. President: Your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 252,

Have had the same under consideration and recommend that the same be indefinitely postponed.

J. K. BROSTUEN,  
Chairman.

Senator Johnson moved that further consideration of the Committee Report on Senate Bill No. 252 be deferred one legislative day as the printed bill had not been received by the members.

Which motion prevailed.

A minority of the Committee on Mines and Minerals made the following report:

Mr. President: A minority of your Committee on Mines and Minerals to whom was referred House Bill No. 15,

Have had the same under consideration and recommend that the same be indefinitely postponed.

FRED J. FREDRICKSON,  
WM. A. THATCHER,  
Chairman.

A majority of the Committee on Mines and Minerals made the following report:

Mr. President: A majority of your Committee on Mines and Minerals to whom was referred House Bill No. 15,

Have had the same under consideration and recommend that the same be amended as follows:

After the words "A BILL" strike out all language in the "Printed Bill", and add the following:

"For an Act to Encourage the Investment of Moneys in the State of North Dakota, and to Encourage the Development of the Natural Resources of This State, and to Provide a Market for the Gas and Oil Deposits in the State, Including Those Owned by the State of North Dakota, and the Counties Thereof, and to Permit the Marketing of Such Natural Resources by Selling Natural Gas and Oil to the State, County, and School Districts, Upon Condition That the Seller Purchase From Actual Production or Produce in This State an Amount of Gas or Oil at Least Equivalent to the Amount It Delivers to Said State, County and School District Buildings, and Requiring Such Sellers to Make Reports of Its Sale and Purchases and Production, Under Oath, and Providing a Penalty for Violation Thereof, and Repealing Acts in Conflict Herewith.

"Be It Enacted by the Legislative Assembly of the State of North Dakota:

"Section 1. Natural gas and oil taken from production or produced in the State of North Dakota, may be used for fuel in State, County, and School District buildings in this State, when such fuel can be obtained at prices, which will result in advantage to the taxpayers thereof.

"Section 2. Natural gas and oil may be purchased as aforesaid for fuel in State, County and School District buildings if the seller shall, during the period gas and oil is furnished, purchase from actual production in this State, or shall produce the same in this State, and deliver into pipe lines for sale and consumption an equivalent amount of natural gas or oil, and such further amounts as may be ordered by the Board of Railroad Commissioners; subject to government regulations and merchandising requirements of sellers in the development of gas and oil fields; as provided hereafter, and shall accept the terms, conditions, and obligations imposed as set forth in this Act; such acceptance shall be filed with the Board of Railroad Commissioners and the State Geologist.

"Section 3. All persons selling gas or oil under the provisions of Section 2 hereof, shall make monthly reports under oath, to the Board of Railroad Commissioners, and shall file duplicate copies with the State Geologist, showing the amount of gas or oil sold under the provisions hereof, and the amount purchased or produced in this State, and such reports shall be accessible to all persons having jurisdiction of the matter of the payment therefor; as soon as said bills are rendered.

"Section 4. It shall be unlawful to sell natural gas or oil to State, County or School Districts in this State, without complying with the provisions of this Act.

"Section 5. The Board of Railroad Commissioners may, from time to time, request the aid and assistance of a qualified representative of the Bureau of Mines of the United States to supervise the abandonment of wells, or the extinguishment of fires, and it may, from time to time request the field superintendent of any company or any operator, operating in the same field to aid in the supervision of the abandonment of wells or the extinguishment of fires and in taking effective measures properly to accomplish said purposes, but no such persons shall receive from the State of North Dakota any compensation for or on account of such services. This act shall be administered by said Board of Railroad Commissioners by and through its engineer or engineers, and its inspector or inspectors, without any cost and expense to the State of North Dakota in addition to the regular biennial appropriation made for said Board and its ex-officio commissions.

"Section 6. That the Board of Railroad Commissioners of the State of North Dakota are hereby authorized and directed, after hearing held upon due notice to all interested parties, promulgate such further rules and orders as it may deem proper, just and equitable, so long as the same are not inconsistent with or contrary to the laws of the United States or the rules and regulations promulgated by the Bureau of Mines or by the Secretary of the Interior of the United States, pursuant to Act of Congress, Approved February 25, 1920 (Public 146).

"Section 7. Complaints, Orders, Decisions, Appeals. In all respects in which the Board of Railroad Commissioners has power and authority under this Act, applications and complaints may be made and filed with it and notices issued thereon, hearing held, opinions and decisions made and filed,

petitions for oral argument and/or rehearing filed and acted upon and appeals from such orders and decisions may be taken by any party to the District Court of the County where such hearing was held unless otherwise provided for in this article, in the same manner and under the same terms and upon the same conditions provided for by Sections 4609c1 to 4609c56 inclusive, Supplement to the 1913 Compiled Laws of North Dakota.

"Section 8. This act is supplementary to powers of the Railroad Commission, and not restrictive to any powers and duties such board now has under existing laws of this State.

"Section 9. Any persons violating the provisions of this Act shall not be permitted to recover the purchase price for any gas or oil sold in violation of the provisions hereof, and such violation shall be deemed sufficient cause for the cancellation of such contracts.

"Section 10. REPEAL.) All Acts and parts of acts in conflict herewith, to the extent of such conflict, are hereby repealed."

And when so amended recommend the same do pass.

R. A. OWINGS,  
 AXEL OLSON,  
 J. K. BROSTUEN,  
 C. S. AASEN,  
 JOHN CRANDALL,  
 O. E. BILDEN,  
 WM. J. LOWE,  
 WM. A. THATCHER,  
 Chairman.

Senator Fowler moved that the Amendments be printed in the Journal and not read, and that further consideration of the Committee Report on House Bill No. 15 be deferred one legislative day.

Which motion prevailed.

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 27,

Have had the same under consideration and recommend that the same do pass.

B. W. LEMKE,  
 Chairman.

Senator Lemke moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 26,

Have had the same under consideration and recommend that the same do pass.

B. W. LEMKE,  
Chairman.

Senator Lemke moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 28,

Have had the same under consideration and recommend that the same do pass.

B. W. LEMKE,  
Chairman.

Senator Lemke moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Olson moved that the Senate reconsider the vote by which Senate Bill No. 120 was lost,

Which motion prevailed.

Senator Kolpin moved that Senate Bill No. 120 be amended as follows:

"On page 903 of the Senate Journal, line 7 from bottom of page, strike out the words "the local market of such farmer" and insert the words "and from any market".

Which motion prevailed.

Senator Fine moved that Senate Bill No. 120 be amended as follows:

On page 13 of the printed Bill, line 38, following the word "dams" insert the following: "This Act shall not be construed to apply to motor vehicles controlled and operated by cooperative associations, as defined in the Agricultural Marketing Act, Approved June 15, 1929, as amended."

Senator Blaisdell moved, as a substitute motion, that further consideration of Senate Bill No. 120 be indefinitely postponed.

Which motion lost.

The question being on the motion of Senator Fine to amend, the motion was put and declared lost.

Roll call demanded and granted.

#### ROLL CALL

The question being on motion of Senator Fine to amend Senate Bill 120 the roll was called and there were ayes, 21; nays, 23; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Lemke	Streibel
Brostuen	Morrison	Stucke
Fine	Nelson, Barnes	Thorson
Greene	Olson	Topp
Johnson	Owings	Trout
Kolpin	Skarvold	Vinje
Lavik	Strehlow	Williams

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Gronvold	Magoffin
Blaisdell	Guenther	Mutchler
Cain	Guthrie	Nelson, Grand Fks.
Drew	Kamrath	Thatcher
Ettestad	Kroeber	Watt
Fowler	Lian	Whelan
Fredrickson	Lowe	Wog
Gilbertson	Lynn	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Coffey	Hulteng	Young
Crandall	McGillic	

So the motion was declared lost.

Senator Fowler moved that the rules be suspended and Senate Bill No. 120 be considered properly reengrossed, and placed upon Second Reading and Final Passage, as amended.

Senator Owings moved, as a substitute motion that further consideration of Senate Bill No. 120 be deferred one legislative day.

Which motion prevailed.

## SECOND READING OF SENATE BILLS

Senate Bill No. 113. A Bill for an Act to Authorize and Regulate the Issuance of Bonds for the Purpose of Refinancing or Refinancing and Improving, Revenue-producing Works, Undertakings, and Projects by Cities, Villages and Towns, and to Provide for the Payment of Such Bonds, the Remedies of Holders Thereof; 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, 46; nays, 0; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Owings
Bilden	Kolpin	Skarvold

Messrs.	Messrs.	Messrs.
Blaisdell	Kroeber	Strehlow
Brostuen	Lavik	Streibel
Cain	Lemke	Stucke
Drew	Lian	Thatcher
Ettestad	Lowe	Thorson
Fine	Lynn	Topp
Fowler	Magoffin	Trout
Fredrickson	McGillic	Vinje
Gilbertson	Morrison	Watt
Greene	Mutchler	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young
Johnson		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Coffey	Crandall	Hulteng

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Senate Bill No. 114. A Bill for an Act to Declare the Necessity of Creating Public Bodies Corporate and Politic to Be Known as Housing Authorities to Undertake Slum Clearance and Projects to Provide Dwelling Accommodations for Persons of Low Income; to Create Such Housing Authorities in Cities Having a Population of More Than 5000 Inhabitants and in Counties; to Define the Powers and Duties of Housing Authorities and to Provide for the Exercise of Such Powers, Including Acquiring Property, Borrowing Money, Issuing Bonds and Other Obligations, and Giving Security Therefor; to Provide that Housing Authorities May Obtain the Attorney General's Opinion Upon Their Bonds; to Provide that Housing Authorities, Their Property and Securities Shall be Exempt From Taxation and Assessment, But to Authorize Certain Payments in Lieu of Taxes; to Confer Remedies on Obligees of Housing Authorities; and to Declare 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, 3; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kolpin	Skarvold
Blaisdell	Lavik	Strehlow
Brostuen	Lemke	Streibel
Drew	Lian	Stucke
Ettestad	Lowe	Thorson
Fine	Lynn	Topp
Fowler	Magoffin	Trout
Fredrickson	McGillic	Vinje



Messrs.	Messrs.	Messrs.
Greene	Morrison	Watt
Gronvold	Mutchler	Whelan
Guenther	Nelson, Barnes	Williams
Guthrie	Nelson, Grand Fks.	Wog
Johnson	Olson	Young
Kamrath	Owings	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Cain	Kroeber	Thatcher

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Crandall	Hulteng
Coffey	Gilbertson	

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

The Senate had under consideration Senate Bill No. 187.

Senator Strehlow moved that Senate Bill No. 187 be amended by striking out everything after the words "A Bill" and inserting the following amendments, which amendments be printed in the Journal and not read, and further action on same deferred until Tuesday, February 23rd.

Which motion prevailed.

**SUBSTITUTE AMENDMENT**

For an Act to provide for an Advisory Council in each county to determine an agricultural, rural home and 4-H Club program, providing for selection of such council, methods of operation, and giving each council power to remove Agricultural Extension Agent or Agents and providing for hearing on such removal, and repealing all Acts or parts of Acts in conflict herewith.

"Be It Enacted by the Legislative Assembly of the State of North Dakota:

"SECTION 1. ADVISORY COUNCIL. HOW ELECTED.) After the passage of this Act the Extension Department of the Agricultural College, together with the Board of County Commissioners for each county legally instituted under the 1925 Supplement of the Compiled Laws of 1913, shall zone the counties, each county into four (4) zones with approximately equal number of townships in each zone. The Board of County Commissioners in each county shall call, in a convenient place, a public mass meeting of the residents of each of the four (4) zones for the purpose of electing one (1) member of the Advisory Council for each zone, said member to be an active farmer residing in that zone, provided there shall be elected from the County Home Makers Council one (1) member and from the 4-H Council one (1) member to serve on said county Advisory Council. One (1) member of the Board of County Commissioners shall preside at each

election of such mass meeting and the election thus held shall be by ballot. The four (4) farmer members thus elected together with one (1) member from the Home Makers Council and one (1) member from the 4-H Club Council and one (1) member of the Board of County Commissioners shall constitute the Advisory Council of the county.

"The members of the Advisory Council shall each receive \$5.00 for each meeting and shall be allowed such compensation for mileage to and from official meetings of the council as are allowed by law to members of the Board of County Commissioners, said mileage to be paid out of the Agricultural Extension funds upon presentation of vouchers duly approved and ordered by the Board of County Commissioners, provided, however, in no case mileage be allowed to any member for more than four (4) meetings in any one calendar year.

"SECTION 2. ADVISORY COUNCIL. ORGANIZATION, POWERS AND TERM OF OFFICE.) Within ten (10) days after the selection of said Advisory Council the Chairman of the Board of Commissioners in each county, shall call a meeting of said council at the County Court House for the purpose of organizing the council. The council shall at such meeting select from its own members a president, a vice president and a secretary. After the Advisory Council thus organized the council itself shall be empowered to call meetings, on its own accord, but not to exceed four (4) meetings of the council per year, as stipulated in Section 1 of this Act.

Two (2) elected members of the council shall serve for three (3) years, two (2) for two (2) years and two (2) for one (1) year and the member of the Board of County Commissioners shall serve for the term of his office, as commissioner, provided, that the determination of the term of office of such elected members shall be made at the first organization meeting by drawing lots and thereafter each elected member shall serve for a period of three (3) years. All vacancies in the office of the elected members of said Advisory Council shall be filled in a manner prescribed in Section 1 of this Act.

"SECTION 3. DUTIES OF ADVISORY COUNCIL.) It shall be the duty of said Advisory Council, after consideration of all available facts relative to farm and home needs of the people of the county and in consideration of state and federal agricultural programs, to plan a county agricultural and rural home development program including Extension Work with farm boys and girls, which proposed program shall be submitted to the residents of each zone and to Home-maker and 4-H Club Councils by their respective representatives on said Advisory Council for the consideration, amendment and approval. Such suggestions and amendments as may be made by the residents of the county shall be considered by the Advisory Council in adopting the farm and rural home program for the county.

"The County Extension Agent or Agents shall take part in the discussion of the proposed plans but shall have no vote in the final adoption of the program selected by the Advisory Council.

" After the Advisory Council has adopted said program for the county such program shall be submitted to the Extension Service of the Agricultural College and when approved it shall be the duty of the County Extension Agent or Agents to put into effect as much of the approved program as can reasonably be expected with the advice and assistance of the Advisory Council.

It shall further be the duty of the Advisory Council with the assistance of the County Extension Agent or Agents to make a report of the progress made on said farm and home program annually, and receive suggestions for modifications of said program in consideration of changing farm and rural home needs.

"SECTION 4. REMOVAL OF COUNTY AGENT.) At any time when the Advisory Council feels that the success of the adopted and approved program for the county is handicapped by the County Agent of said county, the Advisory Council shall be empowered to demand of the Cooperative Extension Department of the Agricultural College and the Board of County Commissioners, that said County Agent be removed, and that a joint meeting be arranged within thirty (30) days after such demand between the Advisory Council, the Cooperative Extension Department and the Board of County Commissioners as set forth in Section 3259a of the 1925 Supplement to the Compiled Laws for 1913.

"SECTION 5. REPEAL.) All Acts or parts of Acts in conflict herewith are hereby repealed.

Senate Bill No. 220. A Bill for an Act to Repeal Chapter 138 of the Session Laws of North Dakota for the Year 1929 as Amended by Chapter 138 of the Session Laws of North Dakota for the Year 1931, Providing for the Storage of Grain Upon Farms and On or Near Railway Rights-of-Way Within the State of North Dakota; Regulating the Same for the Purpose of Procuring Loans Upon Such Grain; Making Provisions for the Issuance of Negotiable Warehouse Certificates Upon Grain so Stored, Not in a Public Warehouse; Creating the Office of "Grain Storage Commissioner of North Dakota", Prescribing His Duties and Empowering Him to Make Rules and Regulations Necessary or Advisable to the Purposes of Such Act; Prescribing Penalties for the Violation of the Provisions Thereof; and Repealing All Acts and Parts of Acts in Conflict Therewith.

Was read the second time.

Senator Lynn moved that Senate Bill No. 220 be amended as follows:

In line 3 of the engrossed bill, strike out the figures "1921" and insert the figures "1929".

Which motion prevailed.

Senator Lynn moved that the rules be suspended and Senate Bill No. 220 be considered properly re-engrossed and placed upon Second Reading and Final Passage, as amended, which motion prevailed.

Senator Fine moved that Senate Bill No. 220 be placed at foot of the calendar, which motion prevailed.

Senator Lynn moved that the Senate do now adjourn, which motion prevailed.

The Senate stood adjourned.

THOMAS McDONALD,  
Secretary.

#### FORTY-SEVENTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
February 20, 1937.

The Senate convened at 2:00 p. m., pursuant to adjournment, the President presiding.

Prayer by the Chaplain, Rev. A. R. Henry, Mandan.

Roll call: All members present except Senators Coffey, Crandall, Hulteng and Young.

Senator Nelson of Grand Forks moved the absent Senators be excused, which motion prevailed.

#### MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 20, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bills and resolution:

Senate Bill No. 77. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the Workmen's Compensation Bureau.

Also,

Senate Bill No. 56. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Normal School, Mayville, North Dakota.

Also,

#### SENATE CONCURRENT RESOLUTION "J".

Which the President has signed and your signature is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 20, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bills:

Senate Bill No. 235. A Bill for an Act Establishing a State Board of Public Finance, Setting Out the Membership Thereof, Defining the Duties of Such Board, Making It Unlawful for Any State Officer, Superintendent, Manager or Head of Any State Department to Purchase or Sell Securities for or on Behalf of the State and Providing a Penalty Therefor; Repealing All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

Also,

Senate Bill No. 118. A Bill for an Act Making an Appropriation for Salaries and Expenses of the State Geological Survey and for Co-operation of United States Geological Survey.

Also,

Senate Bill No. 158. A Bill for an Act to Provide for the Attendance of Non-Resident Students at the Public Schools of This State; to Regulate the Terms of Their Admission; and to Permit the Payment by School Boards of Tuition, Transportation, Board and Lodging of Resident Students Attending Other Schools.

Also,

Senate Bill No. 124. A Bill for an Act Providing for the Employment of a Fire Department Instructor; Prescribing the Qualifications of Such Instructor and the Duties Thereof; Providing for Salary and Expenses of, and Fees to Be Charged by Such Instructor; Requiring Reports and Providing an Appropriation to Carry Out the Provisions of This Act.

Also,

Senate Bill No. 152. A Bill for an Act to Amend and Re-enact Sections 10169a4, and 10169a5 of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, Dealing with the North Dakota Beverage Inspection Act, Defining the Beverages Coming Within the Provisions of that Act, and Fixing the Fee Required to be Paid for Registration of Label Thereof, and Declaring an Emergency.

Also,

Senate Bill No. 153. A Bill for an Act to Prevent Fraud and Deception in the Sale of Livestock Medicines; Providing for the Registration and Labeling of Livestock Medicines; Authorizing Rules and Regulations for the Administration of this Act; Prescribing the Method of Revocation of Such Registration and Prescribing a Penalty for the Violation Thereof.

Also,

Senate Bill No. 178. A Bill for an Act Making an Appropriation for Improvements and Repairs at the North Dakota Soldiers' Home at Lisbon, North Dakota.

Also,

Senate Bill No. 141. A Bill for an Act to Promote the Public Welfare by Providing for Public Assistance to Aged Persons in Need.

Also,

Senate Bill No. 236. A Bill for an Act Prohibiting the Admission of Any Minor Into Any Retail Liquor Store in the State of North Dakota Holding an "On Sale" License Under the Provisions of the Liquor Control Act of This State, and Requiring Rigid Enforcement of This Act by Police Officials and State's Attorneys, and Declaring an Emergency.

Also,

Senate Bill No. 198. A Bill for an Act to Amend and Re-enact Section 2166 of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 241 of the Session Laws of North Dakota for 1929, and as Amended by Section 1 of Chapter 279 of the Session Laws of North Dakota for 1931; Section 2 of Chapter 279 of the Session Laws of North Dakota for 1931; Section 2169 and Section 2175 of the Compiled Laws of North Dakota for 1913; and Section 2178 of the Compiled Laws of North Dakota for 1913, as Amended by Section 1 of Chapter 122 of the Session Laws of North Dakota for 1935, Providing for the Delinquency of Personal Property Taxes, the Penalty Thereon and the Collection Thereof by the County Treasurer; Providing for a Lien for Delinquent Personal Taxes; Providing for Delinquent Tax Lists and the Duties of the Board of County Commissioners in Connection Therewith; Providing for the Duties of the County Treasurer and for His Neglect or Refusal to Perform His Duty in Connection Therewith, and for a penalty; Providing for the Fees for the Sheriff, or County Treasurer in Making Distress for Personal Taxes; Repealing Sections 2167, 2168 and 2173 of the Compiled Laws of North Dakota for 1913 and All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

Also,

Senate Bill No. 213. A Bill for an Act to Amend and Re-enact Section 2093 of the Supplement to the Compiled Laws of 1913, Defining Manner of Listing Real and Personal Property and Declaring an Emergency.

Also,

Senate Bill No. 110. A Bill for an Act Validating, Ratifying, Approving, and Confirming Certain Bonds and Other Instruments or Obligations Heretofore Issued, and Validating, Ratifying, Approving and Confirming Certain Proceedings Heretofore Taken, by Public Bodies in This State.

Which the Senate has passed and your favorable consideration is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
February 20, 1937.

Mr. President: I have the honor to transmit herewith the following bills:

House Bill No. 320. A Bill for an Act to Amend and Re-enact Section 5574 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to the Form of Certificates of Acknowledgment; Repealing All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Also,

House Bill No. 100. A Bill for an Act Authorizing and Directing the Board of Administration of the State of North Dakota to Retouch and Repair the Portraits and Paintings of the Former Governors and Legislative Assemblies of North Dakota or Other Paintings and Portraits Having Been Damaged by Exposure to Moisture and Change of Temperature and Making an Appropriation. Emergency.

Which the House has passed and your favorable consideration is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 20, 1937.

Mr. President: I have the honor to return herewith the following bills:

Senate Bill No. 86. A Bill for an Act Providing for the Extermination of Bots in Horses and Mules; Defining Bot Treatment; Prescribing the Duties of Township Boards When Petitioned.

Also,

Senate Bill No. 55. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items of the State Normal School at Valley City, North Dakota.

Which the House has passed unchanged.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 20, 1937.

Mr. President: I have the honor to transmit herewith the following bills:

House Bill No. 163. A Bill for an Act to Amend and Re-enact Section 4969, Compiled Laws of North Dakota for 1913; Requiring Accident and Sickness Insurance Corporations, Associations or Societies to Have and Maintain Admitted Assets of \$10,000.00; Repealing All Acts or Parts of Acts in Conflict Herewith; Declaring an Emergency.

Also,

House Bill No. 253. A Bill for an Act Amending Articles 2889b4, 2889b5 and 2889b6 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, and Being Part of Article 40b of Chapter 38 of the Political Code, Relating to Food and Drugs, and Known as the North Dakota Food and Drugs Act.

Also,

House Bill No. 264. A Bill for an Act Authorizing, Directing and Empowering the Proper Officers of the State of North Dakota to Release Any Interest Which the State of North Dakota Has Against Lot Fifteen (15) and the North Half (N $\frac{1}{2}$ ) of Lot Fourteen (14) in Block Thirty-Nine (39) of the Original Plat of the City of Jamestown, North Dakota, by Virtue of a Loan of \$5,000.00 Made by the State of North Dakota to Said Training School in the Year 1911, and Declaring an Emergency.

Also,

House Bill No. 311. A Bill for an Act Authorizing the State Treasurer to Execute on Behalf of the State Satisfactions of Mortgages on National Guard Armories in the State of North Dakota Given in Accordance With the Provisions of Chapter 174 of the Session Laws of North Dakota for 1907 and Amendments Thereto, and Declaring an Emergency.

Also,

House Bill No. 354. A Bill for an Act Providing for Free Text Books in Common Schools, Authorizing the Purchase Thereof by the Respective School Boards and Repealing Acts or Parts of Acts in Conflict Herewith.

Also,

House Bill No. 312. A Bill for an Act Authorizing the State Highway Commissioner to Administer Feeder or Other Roads for Which Federal Appropriations Are Made.

Also,

House Bill No 353. A Bill for an Act Making an Emergency Appropriation to Provide for Aid for Livestock Feeds for Farmers in Drouth Stricken Counties of This State;



Providing for the Distribution of This Appropriation by the Public Welfare Board; and Declaring an Emergency.

Also,

House Bill No. 324. A Bill for an Act to Amend and Re-enact Section 4400 of the Supplement to the 1913 Compiled Laws of North Dakota, Relating to the Affirmative Proof Required in Divorce Actions.

Also,

House Bill No. 318. A Bill for an Act to Amend and Re-enact Sections 1, 2 and Sub-section (e) of Chapter 106 of the 1935 Session Laws, Relating to the Incorporation of Co-operative Grazing Associations, to Provide for the Organization of Groups With a Smaller Acreage Than 50,000 Acres, Where They May Be Required, and Making No Restrictions as to the Number of Organizations in Any One County to Operate Under Said Chapter.

Also,

#### HOUSE CONCURRENT RESOLUTION "L"

Which the House has passed and your favorable consideration is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 20, 1937.

Mr. President: I have the honor to inform you that the House has refused to adopt the report of the conference committee on House Bill No. 40 and the Speaker has appointed as a new conference committee to act with a like committee from the Senate, Representatives Niewoehner, Saumur and Symington.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### REVISION AND CORRECTION OF THE JOURNAL

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 45th day after recess and 46th day and recommend that the same be corrected as follows:

On page 890, line 9 from bottom of page, strike out the word "carried" and insert in lieu thereof the word "lost".

On page 898, line 24, strike out the word "fifth" and insert the word "fourth" and in same line strike out the word "sixth" and insert the word "fifth".

On page 898, line 5 from bottom of page, strike out the word "passage" and insert the word "defeat".

On page 899, lines 16 and 17, strike out the following "(Seven copies)".

And when so corrected recommend that the same be approved.

C. C. MORRISON,  
Chairman.

Senator Owings moved that the report be adopted, which motion prevailed and the report was adopted.

#### PETITIONS AND COMMUNICATIONS

The following petitions and communications were received, read from the desk, and referred to the appropriate committees.

A petition signed by 112 citizens of Larimore and vicinity, urging passage of county option law now pending; also urging defeat of bill providing for repeal of law prohibiting advertising of hard liquor in North Dakota.

A petition signed by 70 citizens of Killdeer and vicinity opposing passage of House Bill No. 71.

A communication from Tioga asking passage of House Bill No. 193.

A telegram signed by seventeen Cooperstown businessmen asking defeat of House Bill No. 71.

A telegram signed by 30 businessmen and farmers of Hannaford and vicinity requesting defeat of House Bill No. 71.

A communication asking passage of Graduated Cream License Bill, House Bill No. 162.

#### 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. 7. A Bill for an Act Making an Appropriation for the Purpose of Indemnifying Owners of Animals Infected with Bovine Tuberculosis and to Pay Expenses in Connection Therewith.

Also,

Senate Bill No. 106. A Bill for an Act to Amend and Re-enact Section 7792 of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 154 of the Session Laws of North Dakota, for 1933, Relating to the Amount of Costs on Foreclosure of Liens, Who Entitled Thereto, Prohibiting the Division of Attorney Fees, Prescribing Penalty for Violation, and Repealing All Acts or Parts of Acts in Conflict Herewith.

And find the same correctly enrolled.

WILLIAM KROEBER,  
Chairman.

Senator Kroeber 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 bills:

Senate Bill No. 63. A Bill for an Act Establishing and Creating the North Dakota Regulatory Department, Providing for Appointment of a Director, Assistant Director and an Inspector of Said Regulatory Department, Fixing Their Salaries and Expenses, Providing for the Deposit of All Moneys Collected by Said Regulatory Department. Providing for the Duties of Said Director, Assistant Director and Inspector of Said Department, Transferring to Said Regulatory Department from the Officers Now Charged Therewith, the Enforcement of Said Regulatory Laws of This State, Imposing Certain Duties as to Inspection and Licensing of Weights and Measures and as to Collection of Certain Taxes and Providing for the Distribution of the Moneys Collected by the Regulatory Department to the Counties and State Equalization Fund. Repealing All Acts and All Parts of Acts in Conflict Herewith.

Also,

Senate Bill No. 180. A Bill for an Act Providing for a Compact Between the States of Minnesota, South Dakota and North Dakota, Authorizing the Creation of a Tristate Waters Commission With Power to Supervise the Utilization and Control of the Waters of That Portion of the Drainage Basin of the Red River of the North Lying Within Minnesota, South Dakota and North Dakota.

Also,

Senate Bill No. 182. A Bill for an Act Relating to the Public Health and to the Local Control of Preventable Diseases; and to Authorize and Permit the Several Counties of the State of North Dakota, Either Separately or in Conjunction and Cooperation With One or More Contiguous Counties; to Establish and Maintain Full Time Local Health Departments in Cooperation With and Under the Direction of the State Department of Health; Provide for the Appoint-

ment of Local Boards of Health, a Full Time Local Health Officer and the Necessary Personnel of Local Health Units or Districts; Providing a Health Fund; Prescribing the Qualifications of the Health Officer and the Personnel of the Local Health Unit or District; and Providing for Their Compensation; Authorizing Local Boards of Health Organized Hereunder to Make Rules and Regulations Governing Matters Relating to the Public Health of Local Health Units or Districts and to the Control of Preventable Diseases Therein.

And find the same correctly engrossed.

**WILLIAM KROEBER,**  
Chairman.

Senator Kroeber moved that the report be adopted, which motion prevailed, and the report was adopted.

#### REPORTS OF STANDING COMMITTEES

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 222,

Have had the same under consideration and recommend that the same be amended as follows:

On page 36 of the printed bill, Section 15, in line 3, strike out the words and figures "Four Thousand Dollars (\$4,000.00)" and insert in lieu thereof the words and figures "Two Thousand Dollars (\$2,000.00).

And when so amended recommend the same do pass.

**B. W. LEMKE,**  
Chairman.

Senator Lemke moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 242,

Have had the same under consideration and recommend that the same be indefinitely postponed.

**B. W. LEMKE,**  
Chairman.

Senator Lemke moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 243,

Have had the same under consideration and recommend that the same do pass.

**B. W. LEMKE,**  
Chairman.

Senator Lemke moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 177,

Have had the same under consideration and recommend that the same do pass.

B. W. LEMKE,  
Chairman.

Senator Lemke moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 178,

Have had the same under consideration and recommend that the same do pass.

B. W. LEMKE,  
Chairman.

Senator Lemke moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 223,

Have had the same under consideration and recommend that the same do pass.

B. W. LEMKE,  
Chairman.

Senator Lemke moved that the report be adopted which motion prevailed and the report was adopted.

Senator Guthrie moved that the program arranged by the joint committee of the House and Senate for memorial service on Washington's birthday, be printed in the Journal.

Which motion prevailed.

#### PROGRAM

—1937—

#### WASHINGTON DAY MEMORIALS

3:00 P. M.—Music in Corridor.

3:10 P. M.—Assembly in House Chambers and call to order by Speaker.

Committee to escort Governor to House Chambers.

Reading of Report of Committee on Memorials, by E. J. Taylor.

Introduction of Resolutions, by Senator Watt.

George Washington Address, by Hon. George F. Shafer.

Singing of America, by audience.

Senator Lynn moved that further consideration of Senate Bill No. 204 be deferred until Monday, February 22nd.

Which motion prevailed.

Senator Vinje moved that Senate Bill No. 161 be re-referred to the Committee on Women's and Children's Welfare.

Senator Whelan moved that House Bills No. 24, 25, 26, 27 and 28 be placed at the head of today's calendar.

Which motion prevailed.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 20, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bill:

Senate Bill No. 63. A Bill for an Act Establishing and Creating the North Dakota Regulatory Department, Providing for Appointment of a Director, Assistant Director and an Inspector of Said Regulatory Department, Fixing Their Salaries and Expenses, Providing for the Deposit of All Moneys Collected by Said Regulatory Department. Providing for the Duties of Said Director, Assistant Director and Inspector of Said Department, Transferring to Said Regulatory Department from the Officers Now Charged Therewith, the Enforcement of Said Regulatory Laws of This State, Imposing Certain Duties as to Inspection and Licensing of Weights and Measures and as to Collection of Certain Taxes and Providing for the Distribution of the Moneys Collected by the Regulatory Department to the Counties and State Equalization Fund. Repealing All Acts and All Parts of Acts in Conflict Herewith.

Which the Senate has passed and your favorable consideration is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

## CONSIDERATION OF MESSAGES FROM THE HOUSE

Senator Strehlow moved that the President appoint a conference committee of three to confer with a like committee from the House on House Bill No. 40.

Which motion prevailed.

The President appointed on such committee Senators Watt, Williams and Streibel.

Mr. Speaker: I have the honor to inform you that the president has appointed as a new conference committee on House Bill No. 40 Senators Watt, Streibel and Williams.

Very respectfully,

THOMAS McDONALD,  
Secretary.

## SECOND READING OF HOUSE BILLS

House Bill No. 24. A Bill for an Act Making an Appropriation to Pay for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State University at Grand Forks, North Dakota.

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, 41; nays, 1; absent and not voting, 7.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Owings
Bilden	Kamrath	Skarvold
Blaisdell	Kolpin	Strehlow
Cain	Lavik	Streibel
Drew	Lemke	Stucke
Ettestad	Lian	Thatcher
Fine	Lowe	Thorson
Fowler	Lynn	Topp
Fredrickson	Magoffin	Vinje
Gilbertson	McGillic	Watt
Greene	Morrison	Whelan
Gronvold	Mutchler	Williams
Guenther	Nelson, Barnes	Wog
Guthrie	Nelson, Grand Fks.	

Those voting in the negative were:

Messrs.  
Olson

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Hulteng	Trout
Coffey	Kroeber	Young
Crandall		

So the bill passed and the title was agreed to.

Senator Nelson, of Grand Forks, 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. 25. A Bill for an Act Making a Special Appropriation to Pay for the General Maintenance of the School of Medicine at the State University, Grand Forks, North Dakota.

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, 1; absent and not voting 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Nelson, Grand Fks.
Bilden	Kamrath	Owings
Blaisdell	Kolpin	Skarvold
Cain	Kroeber	Strehlow
Drew	Lavik	Streibel
Ettestad	Lemke	Stucke
Fine	Lian	Thatcher
Fowler	Lowe	Thorson
Fredrickson	Lynn	Topp
Gilbertson	Magoffin	Vinje
Greene	McGillic	Watt
Gronvold	Morrison	Whelan
Guenther	Mutchler	Williams
Guthrie	Nelson, Barnes	Wog

Those voting in the negative were:

Messrs.  
Olson

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Crandall	Trout
Coffey	Hulteng	Young

So the bill passed and the title was agreed to.

Senator Nelson of Grand Forks moved that the vote by which House Bill No. 25 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 Making an Appropriation to Pay the General Maintenance, Improvements and Repairs, Equipment, Miscellaneous and Public Service of the Agricultural College, Fargo, North Dakota.

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, 37; nays, 7; absent and not voting 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Nelson, Barnes
Blaisdell	Johnson	Nelson, Grand Fks.
Brostuen	Kamrath	Strehlow
Cain	Kroeber	Streibel
Drew	Lavik	Stucke
Ettestad	Lemke	Thatcher
Fine	Lian	Thorson
Fowler	Lowe	Topp
Fredrickson	Lynn	Vinje
Gilbertson	Magoffin	Watt
Greene	McGillic	Whelan
Gronvold	Mutchler	Wog
Guenther		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Bilden	Olson	Skarvold
Kolpin	Owings	Trout
Morrison		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Coffey	Hulteng	Young
Crandall	Williams	

So the bill passed and the title was agreed to.

Senator Watt 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.

House Bill No. 27. A Bill for an Act Making an Appropriation to Pay the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items of the Experiment Station at the Agricultural College, Fargo, North Dakota and its Branch Stations.

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, 2; absent and not voting 7.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Olson
Bilden	Kroeber	Skarvold
Blaisdell	Lavik	Strehlow
Brostuen	Lemke	Streibel
Cain	Lian	Stucke
Drew	Lowe	Thatcher
Ettestad	Lynn	Thorson
Fine	Magoffin	Topp
Fowler	McGillic	Trout
Fredrickson	Morrison	Vinje
Greene	Mutchler	Watt
Gronvold	Nelson, Barnes	Whelan
Guthrie	Nelson, Grand Fks.	Wog
Johnson		

Those voting in the negative were:

Messrs.	Messrs.
Kolpin	Owings

Absent and not voting:

Messrs.	Messrs.	Messrs.
Coffey	Guenther	Williams
Crandall	Hulteng	Young
Gilbertson		

So the bill passed and the title was agreed to.

Senator Watt 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.

## SECOND READING OF HOUSE BILLS

House Bill No. 28. A Bill for an Act Making an Appropriation to Pay the General Maintenance, and as an Offset for Federal Aid, in Extension Division Work of the Agricultural College.

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, 10; absent and not voting 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Nelson, Grand Fks.
Bilden	Kroeber	Skarvold
Blaisdell	Lavik	Strehlow
Brostuen	Lemke	Stucke

Messrs.	Messrs.	Messrs.
Cain	Lian	Thatcher
Drew	Lowe	Thorson
Fowler	Lynn	Topp
Fredrickson	Magoffin	Trout
Gilbertson	McGillic	Vinje
Gronvold	Mutchler	Watt
Guenther	Nelson, Barnes	Whelan
Guthrie		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Ettestad	Kolpin	Owings
Fine	Morrison	Streibel
Greene	Olson	Wog
Kamrath		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Coffey	Hulteng	Young
Crandall	Williams	

So the bill passed and the title was agreed to.

Senator Watt moved that the vote by which House Bill No. 28 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 20, 1937.

Mr. Speaker: I have the honor to return herewith the following bills:

House Bill No. 24. A Bill for an Act Making an Appropriation to Pay for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State University at Grand Forks, North Dakota.

Also,

House Bill No. 25. A Bill for an Act Making a Special Appropriation to Pay for the General Maintenance of the School of Medicine at the State University, Grand Forks, North Dakota.

Also,

House Bill No. 26. A Bill for an Act Making an Appropriation to Pay the General Maintenance, Improvements and Repairs, Equipment, Miscellaneous and Public Service of the Agricultural College, Fargo, North Dakota.

Also,

House Bill No. 27. A Bill for an Act Making an Appropriation to Pay the General Maintenance, Improvements and

Repairs, Equipment and Miscellaneous Items of the Experiment Station at the Agricultural College, Fargo, North Dakota and its Branch Stations.

Also,

House Bill No. 28. A Bill for an Act Making an Appropriation to Pay the General Maintenance, and as an Offset for Federal Aid, in Extension Division Work of the Agricultural College.

Which the Senate has passed unchanged.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senator Fowler moved that further consideration of Senate Bill No. 79 be deferred until Monday.

Which motion prevailed.

Senator McGillic moved that Senate Bill No. 62 be placed at the foot of the calendar, which motion prevailed.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 126. A Bill for an Act to Amend and Re-enact Section 852 of the Supplement to the Compiled Laws of 1913, Relating to the Holding of Primary Elections 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, the roll was called and there were ayes, 37; nays, 6; absent and not voting 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Skarvold
Bilden	Kolpin	Strehlow
Blaisdell	Lavik	Streibel
Brostuen	Lemke	Stucke
Drew	Lian	Thatcher
Ettestad	Magoffin	Thorson
Fine	McGillic	Topp
Fowler	Morrison	Trout
Fredrickson	Mutchler	Vinje
Gilbertson	Nelson, Grand Fks.	Watt
Gronvold	Olson	Whelan
Guenther	Owings	Wog
Guthrie		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Cain	Kroeber	Lynn
Greene	Lowe	Nelson, Barnes

Absent and not voting:

Messrs.	Messrs.	Messrs.
Coffey	Hulteng	Williams
Crandall	Kamrath	Young

So the bill passed and the title was agreed to.

Senator Lian moved that the vote by which Senate Bill No. 126 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 20, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bill:

Senate Bill No. 126. A Bill for an Act to Amend and Re-enact Section 852 of the Supplement to the Compiled Laws of 1913, Relating to the Holding of Primary Elections and Repealing All Acts or Parts of Acts in Conflict Herewith.

Which the Senate has passed and your favorable consideration is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Bill No. 182. A Bill for an Act Relating to the Public Health and to the Local Control of Preventable Diseases; and to Authorize and Permit the Several Counties of the State of North Dakota, Either Separately or in Conjunction and Cooperation With One or More Contiguous Counties; to Establish and Maintain Full Time Local Health Departments in Cooperation With and Under the Direction of the State Department of Health; Provide for the Appointment of Local Boards of Health, a Full Time Local Health Officer and the Necessary Personnel of Local Health Units or Districts; Providing a Health Fund; Prescribing the Qualifications of the Health Officer and the Personnel of the Local Health Unit or District; and Providing for Their Compensation; Authorizing Local Boards of Health Organized Hereunder to Make Rules and Regulations Governing Matters Relating to the Public Health of Local Health Units or Districts and to the Control of Preventable Diseases Therein.

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, 35; nays, 10; absent and not voting 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Gronvold	Nelson, Barnes
Bilden	Guenther	Nelson, Grand Fks.
Blaisdell	Guthrie	Skarvold
Brostuen	Johnson	Strehlow
Cain	Kolpin	Stucke
Crandall	Lavik	Thorson
Drew	Lian	Trout
Ettestad	Lynn	Vinje
Fine	Magoffin	Watt
Fowler	McGillic	Whelan
Fredrickson	Morrison	Wog
Gilbertson	Mutchler	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Greene	Lowe	Streibel
Kamrath	Olson	Thatcher
Kroeber	Owings	Topp
Lemke		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Coffey	Williams	Young
Hulteng		

So the bill passed and the title was agreed to and the emergency clause was declared carried.

Senate Bill No. 146. A Bill for an Act to Amend and Re-enact Chapter 7 of the Session Laws of the State of North Dakota for the Year 1931.

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, 19; nays, 23; absent and not voting, 7.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Brostuen	Johnson	Strehlow
Cain	Lynn	Thatcher
Drew	Magoffin	Thorson
Ettestad	Mutchler	Vinje
Fredrickson	Nelson, Barnes	Whelan
Gronvold	Skarvold	Wog
Guthrie		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Kolpin	Nelson, Grand Fks.
Bilden	Kroeber	Olson

Messrs.	Messrs.	Messrs.
Blaisdell	Lavik	Owings
Fowler	Lemke	Streibel
Gilbertson	Lian	Topp
Greene	Lowe	Trout
Guenther	McGillic	Watt
Kamrath	Morrison	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Coffey	Hulteng	Williams
Crandall	Stucke	Young
Fine		

So the bill was declared lost.

Senator Cain moved that the vote by which Senate Bill No. 146 was lost be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Watt: I am voting "No" on this bill because I think you are curtailing the best educational institution you have in the State of North Dakota.

Senate Bill No. 194. A Bill for an Act to Regulate the Business of Selling Used Motor Vehicles by Dealers Not Residing in or Having a Permanent Place of Business in This State, and by Resident Dealers Purchasing, Handling and Selling Used Motor Vehicles Received or Acquired From Non-Resident Dealers; Requiring the Registration of All Used Motor Vehicles Brought Into This State for the Purpose of Sale to Be Registered With the Motor Vehicle Registrar, and Requiring All Such Dealers to Execute and Deliver to Each Purchaser a Bond Indemnifying the Purchaser Against Failure of Title, Breach of Warranty or Fraudulent Misrepresentation; Requiring Delivery of a Certificate of Title and Providing Penalties for the Violation of the Provisions of This Act.

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, 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Olson
Bilden	Kolpin	Owings
Blaisdell	Kroeber	Skarvold
Brostuen	Lavik	Strehlow
Cain	Lemke	Streibel
Drew	Lian	Stucke
Ettestad	Lowe	Thatcher
Fine	Lynn	Thorson
Fowler	Magoffin	Topp
Fredrickson	McGillic	Trout

Messrs.	Messrs.	Messrs.
Gilbertson	Morrison	Vinje
Greene	Mutchler	Watt
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Coffey	Hulteng	Whelan
Crandall	Kamrath	Young

So the bill passed, the title was agreed to, and the emergency clause was declared carried.

Senate Bill No. 238. A Bill for an Act Providing for the Payment to the State Treasurer of All Public Monies of the State of North Dakota, and the Disbursement and Expenditure Thereof Only Upon Prior Appropriation by the Legislature, Appropriating Certain Monies, and Providing Further that Expenditures May Be Made Only Upon Warrant After Audit of Itemized Statements of All Claims Against The State, County or Other Political Subdivision, Repealing All Acts or Parts of Acts in Conflict Therewith, Declaring an Emergency and Providing a Saving Clause.

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, 0; absent and not voting, 9.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kroeber	Owings
Bilden	Lavik	Skarvold
Blaisdell	Lemke	Strehlow
Cain	Lian	Streibel
Drew	Lowe	Stucke
Ettestad	Lynn	Thatcher
Fine	Magoffin	Thorson
Fredrickson	McGillic	Topp
Greene	Morrison	Trout
Gronvold	Mutchler	Vinje
Guenther	Nelson, Barnes	Watt
Guthrie	Nelson, Grand Fks.	Williams
Johnson	Olson	Wog
Kolpin		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Fowler	Kamrath
Coffey	Gilbertson	Whelan
Crandall	Hulteng	Young

So the bill passed, the title was agreed to, and the emergency clause was declared carried.



Senate Bill No. 239. A Bill for an Act Authorizing and Directing the State Historical Society of North Dakota to Sell to the United States Government Lands Acquired for Park Purposes at Arrowood Lake in Stutsman County, North Dakota and Providing for Manner of Disposing of Funds Accruing From Said Sale, 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, 41; nays, 0; absent and not voting, 8.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kolpin	Owings
Bilden	Kroeber	Skarvold
Blaisdell	Lavik	Strehlow
Cain	Lemke	Streibel
Drew	Lian	Stucke
Ettestad	Lowe	Thatcher
Fine	Lynn	Thorson
Fredrickson	Magoffin	Topp
Gilbertson	McGillic	Trout
Greene	Morrison	Vinje
Gronvold	Mutchler	Watt
Guenther	Nelson, Barnes	Williams
Guthrie	Nelson, Grand Fks.	Wog
Johnson	Olson	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Fowler	Whelan
Coffey	Hulteng	Young
Crandall	Kamrath	

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Senate Bill No. 250. A Bill for an Act to Amend and Re-enact Section 4444 and 4446 of Chapter 9 of the Supplement to the Compiled Laws of North Dakota for the Year 1913, Providing for Adoption of Minors and Adults, 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, 41; nays, 1; absent and not voting, 7.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Olson
Bilden	Kolpin	Owings
Blaisdell	Kroeber	Skarvold

Messrs.	Messrs.	Messrs.
Brostuen	Lavik	Strehlow
Cain	Lemke	Streibel
Drew	Lian	Stucke
Ettestad	Lowe	Thorson
Fine	Lynn	Topp
Fredrickson	Magoffin	Vinje
Gilbertson	McGillic	Watt
Greene	Morrison	Whelan
Gronvold	Mutchler	Williams
Guenther	Nelson, Barnes	Wog
Guthrie	Nelson, Grand Fks.	

Those voting in the negative were:

Messrs.  
Thatcher

Absent and not voting:

Messrs.	Messrs.	Messrs.
Coffey	Hulteng	Trout
Crandall	Kamrath	Young
Fowler		

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Senator Whelan requested that the Senate return to the 7th order of business, which request was granted.

Senator Whelan reported that the Attorney General had advised Senator Kroeber, chairman of the Enrolling and Engrossing Committee, that Senate Bill No. 220 would have to be withdrawn and a new bill introduced in its place. The Delayed Bills Committee had a bill ready to present in its place but before introducing such bill, the committee wished to learn the wishes of the Senate. Senator Whelan read the proposed bill.

Senator Ettestad moved that further consideration of Senate Bill No. 220 be indefinitely postponed, which motion prevailed.

Senator Fine moved that the proposed bill, read by the Chairman of the Delayed Bills Committee be accepted for introduction, which motion prevailed.

The President called Senator Wog, President pro tem, to the chair.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 82. A Bill for an Act Declaring the Law of the State of North Dakota With Reference to the Extent to Which Lands Used and Usable for Farming and Ranching Purposes in This State May Lawfully Be Charged With Tax Obligations, and Providing for an Over-all Limitation on the Tax Charges in Money Which May Lawfully Be Spread Against Such Lands, and Providing a Remedy for Past and Future Excessive Charges, Declaring an Emergency.

Was read the second time.

Senator Whelan moved that Senate Bill No. 82 be placed at the head of the calendar for the next legislative day.

Senator Watt moved, as a substitute motion, that further consideration of Senate Bill No. 82 be deferred until Tuesday.

Which motion prevailed.

The President resumed the chair.

#### 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. 55. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items of the State Normal School at Valley City, North Dakota.

Also,

Senate Bill No. 86. A Bill for an Act Providing for the Extermination of Bots in Horses and Mules; Defining Bot Treatment; Prescribing the Duties of Township Boards When Petitioned.

And find the same correctly enrolled.

WILLIAM KROEBER,  
Chairman.

Senator Kroeber 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 bills:

Senate Bill No. 120. A Bill for an Act Providing for the Supervision and Regulation by the Board of Railroad Commissioners of the State of North Dakota, of the Transportation of Persons and Property Over North Dakota Public Highways by Motor Propelled Vehicles, Defining and Classifying Transportation by Motor Propelled Vehicles Affected Hereby and Providing for the Enforcement of the Provisions of this Act and for Penalties for the Violation Thereof, Repealing All of Section 2976V1 to 2976V16 Inclusive, Being Article 55b of Chapter 38 of the Political Code of the State of North Dakota of the 1925 Supplement to the 1913 Compiled Laws of the State of North Dakota, and Chapter 90 of the Session Laws of 1927; Chapter 148 of the Session Laws of 1929; Chapter 188 of the Session Laws of 1931; Chapter 164 of the Session Laws of 1933; Chapter 179 of the Session Laws

of 1935, and Chapter 182 of the Session Laws of 1935; and All Other Acts or Parts of Acts in Conflict With This Act, and Declaring an Emergency.

Also,

Senate Bill No. 169. A Bill for an Act to Provide for the Protection of Prehistoric Deposits, Relics, Indian Mounds, Graves, Village Sites, and Other Archaeological Material. To Provide for Licensing Persons Engaged in Exploring and Excavating for Ancient Ruins and Archaeological Material and Providing a Penalty for Violations.

Also,

Senate Bill No. 246. A Bill for an Act, Providing for the Issuance by the Industrial Commission of Certificates of Indebtedness in Anticipation of the Collection of Property Taxes, Which Have Been Levied by the State Board of Equalization; Prescribing the Terms and Conditions Hereof; Providing for Their Sale and Delivery and Payment; Establishing of the Certificate of Indebtedness Retirement Fund, and Repealing All Acts or Parts of Acts Inconsistent With the Provisions of This Act, and Declaring an Emergency.

Also,

Senate Bill No. 247. A Bill for an Act Making an Appropriation for Payment of a Deficit in the Amount Appropriated for Payment of Per Diem of Employees of Twenty-Fifth Legislative Assembly, and Declaring an Emergency.

Also,

Senate Bill No. 248. A Bill for an Act to Encourage and Promote the Payment of Taxes By Providing for a Rebate On Payments.

Also,

Senate Bill No. 192. A Bill for an Act Making an Appropriation for a Pension for Mrs. Thelma Crites, Widow of National Guardsman John E. Crites.

And find the same correctly engrossed.

WILLIAM KROEBER,  
Chairman.

Senator Kroeber moved that the report be adopted, which motion prevailed, and the report was adopted.

#### SECOND READING OF HOUSE BILLS

House Bill No. 44. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses for the Tuberculosis Sanatorium at San Haven, North Dakota.

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 8.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Olson
Bilden	Kolpin	Owings
Blaisdell	Kroeber	Skarvold
Brostuen	Lavik	Strehlow
Cain	Lemke	Streibel
Drew	Lian	Thatcher
Ettestad	Lowe	Thorson
Fine	Lynn	Topp
Fredrickson	Magoffin	Trout
Gilbertson	McGillic	Vinje
Greene	Morrison	Watt
Gronvold	Mutchler	Whelan
Guenther	Nelson, Barnes	Wog
Guthrie	Nelson, Grand Fks.	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Coffey	Hulteng	Williams
Crandall	Kamrath	Young
Fowler	Stucke	

So the bill passed and the title was agreed to.

Senator Fredrickson requested that the Senate return to the Fifteenth Order of Business, which request was granted.

## SIGNING OF BILLS

The Secretary announced that the President was about to sign:

Senate Bill No. 55. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items of the State Normal School at Valley City, North Dakota.

Also,

Senate Bill No. 86. A Bill for an Act Providing for the Extermination of Bots in Horses and Mules; Defining Bot Treatment; Prescribing the Duties of Township Boards When Petitioned.

Also,

Senate Bill No. 106. A Bill for an Act to Amend and Re-enact Section 7792 of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 154 of the Session Laws of North Dakota, for 1933, Relating to the Amount of Costs on Foreclosure of Liens, Who Entitled Thereto, Prohibiting the Division of Attorney Fees, Prescribing Penalty for Vio-

lation, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Also,

Senate Bill No. 7. A Bill for an Act Making an Appropriation for the Purpose of Indemnifying Owners of Animals Infected with Bovine Tuberculosis and to Pay Expenses in Connection Therewith.

And the President signed the same in the presence of the Senate.

#### FIRST READING OF SENATE BILLS

The Committee on Delayed Bills introduced:

Senate Bill No. 254. A Bill for an Act to Amend and Re-enact Section 2 and to Repeal Sections 3 and 4 of Chapter 138 of the North Dakota Session Laws for the Year 1929 Entitled "An Act to Provide for the Storage of Grain Upon Farms and on or Near Railway Rights-of-Way Within the State of North Dakota; Regulating the Same for the Purpose of Procuring Loans Upon Such Grain; Making Provisions for the Issuance of Negotiable Warehouse Certificates Upon Grain so Stored, Not in a Public Warehouse; Creating the Office of 'Grain Storage Commissioner of North Dakota,' Prescribing His Duties and Empowering Him to Make Rules and Regulations Necessary or Advisable to the Purposes of Such Act; Prescribing Penalties for the Violation of the Provisions Thereof; and Repealing All Acts or Parts of Acts in Conflict Therewith.

Was read the first time and referred to the Committee on Judiciary.

#### SECOND READING OF HOUSE BILLS

House Bill No. 45. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items of the School for the Deaf at Devils Lake, North Dakota.

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 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kolpin	Owings
Bilden	Kroeber	Skarvold
Blaisdell	Lavik	Strehlow
Brostuen	Lemke	Streibel
Cain	Lian	Stucke
Drew	Lowe	Thatcher
Ettestad	Lynn	Thorson
Fine	Magoffin	Topp

Messrs.	Messrs.	Messrs.
Fredrickson	McGillic	Trout
Greene	Morrison	Vinje
Gronvold	Mutchler	Watt
Guenther	Nelson, Barnes	Whelan
Guthrie	Nelson, Grand Fks.	Williams
Johnson	Olson	Wog
Kamrath		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Coffey	Fowler	Hulteng
Crandall	Gilbertson	Young

So the bill passed and the title was agreed to.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 20, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bills:

Senate Bill No. 55. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items of the State Normal School at Valley City, North Dakota.

Also,

Senate Bill No. 7. A Bill for an Act Making an Appropriation for the Purpose of Indemnifying Owners of Animals Infected with Bovine Tuberculosis and to Pay Expenses in Connection Therewith.

Also,

Senate Bill No. 86. A Bill for an Act Providing for the Extermination of Bots in Horses and Mules; Defining Bot Treatment; Prescribing the Duties of Township Boards When Petitioned.

Also,

Senate Bill No. 106. A Bill for an Act to Amend and Re-enact Section 7792 of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 154 of the Session Laws of North Dakota, for 1933, Relating to the Amount of Costs on Foreclosure of Liens, Who Entitled Thereto, Prohibiting the Division of Attorney Fees, Prescribing Penalty for Violation, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Which the President has signed and your signature is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senator McGillic moved that Senate Bill No. 62 be read the second time and roll call deferred one legislative day.

Which motion prevailed.

Senator Whelan moved that the rules be suspended and Senate Bill No. 62 be not engrossed until after any amendments on second reading had been adopted.

Which motion prevailed.

#### FIRST READING OF HOUSE BILLS

House Bill No. 320. A Bill for an Act to Amend and Re-enact Section 5574 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to the Form of Certificates of Acknowledgment; Repealing All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Was read the first time and referred to the Committee on Judiciary.

House Bill No. 318. A Bill for an Act to Amend and Re-enact Sections 1, 2 and Sub-section (e) of Chapter 106 of the 1935 Session Laws, Relating to the Incorporation of Co-operative Grazing Associations, to Provide for the Organization of Groups With a Smaller Acreage Than 50,000 Acres, Where They May Be Required, and Making No Restrictions as to the Number of Organizations in Any One County to Operate Under Said Chapter.

Was read the first time and referred to the Committee on Agriculture.

House Bill No. 324. A Bill for an Act to Amend and Re-enact Section 4400 of the Supplement to the 1913 Compiled Laws of North Dakota, Relating to the Affirmative Proof Required in Divorce Actions.

Was read the first time and referred to the Committee on Judiciary.

House Bill No 353. A Bill for an Act Making an Emergency Appropriation to Provide for Aid for Livestock Feeds for Farmers in Drouth Stricken Counties of This State; Providing for the Distribution of This Appropriation by the Public Welfare Board; and Declaring an Emergency.

Was read the first time and referred to the Committee on Appropriations.

House Bill No. 312. A Bill for an Act Authorizing the State Highway Commissioner to Administer Feeder or Other Roads for Which Federal Appropriations Are Made.

Was read the first time and referred to the Committee on Highways.

House Bill No. 354. A Bill for an Act Providing for Free Text Books in Common Schools, Authorizing the Purchase Thereof by the Respective School Boards and Repealing Acts or Parts of Acts in Conflict Herewith.



Was read the first time and referred to the Committee on Education.

House Bill No. 311. A Bill for an Act Authorizing the State Treasurer to Execute on Behalf of the State Satisfactions of Mortgages on National Guard Armories in the State of North Dakota Given in Accordance With the Provisions of Chapter 174 of the Session Laws of North Dakota for 1907 and Amendments Thereto, and Declaring an Emergency.

Was read the first time and referred to the Committee on Military and Indian Affairs.

House Bill No. 264. A Bill for an Act Authorizing, Directing and Empowering the Proper Officers of the State of North Dakota to Release Any Interest Which the State of North Dakota Has Against Lot Fifteen (15) and the North Half (N½) of Lot Fourteen (14) in Block Thirty-Nine (39) of the Original Plat of the City of Jamestown, North Dakota, by Virtue of a Loan of \$5,000.00 Made by the State of North Dakota to Said Training School in the Year 1911, and Declaring an Emergency.

Was read the first time and referred to the Committee on Judiciary.

House Bill No. 253. A Bill for an Act Amending Articles 2889b4, 2889b5 and 2889b6 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, and Being Part of Article 40b of Chapter 38 of the Political Code, Relating to Food and Drugs, and Known as the North Dakota Food and Drug Act.

Was read the first time and referred to the Committee on Public Health.

House Bill No. 163. A Bill for an Act to Amend and Re-enact Section 4969, Compiled Laws of North Dakota for 1913; Requiring Accident and Sickness Insurance Corporations, Associations or Societies to Have and Maintain Admitted Assets of \$10,000.00; Repealing All Acts or Parts of Acts in Conflict Herewith; Declaring an Emergency.

Was read the first time and referred to the Committee on Insurance.

#### HOUSE CONCURRENT RESOLUTION "L".

Was read the first time and referred to the Committee on Judiciary.

House Bill No. 100. A Bill for an Act Authorizing and Directing the Board of Administration of the State of North Dakota to Retouch and Repair the Portraits and Paintings of the Former Governors and Legislative Assemblies of North Dakota or Other Paintings and Portraits Having Been Damaged by Exposure to Moisture and Change of Temperature and Making an Appropriation. Emergency.

Was read the first time and referred to the Committee on Appropriations.

## SECOND READING OF SENATE BILLS

Senate Bill No. 62. A Bill for an Act to Create an Unemployment Compensation Fund from Contributions by Employers for the Payment of Compensation for Involuntary Unemployment, to Provide for Merit Ratings for Employers With Creditable Employment Records, to Provide for Guaranteed Employment Accounts, to Provide for Cooperation With the Social Security Board of the United States of America, to Provide for a State Employment Service, an Employment Service Account and an Appropriation Therefor; to Provide for the Administration of this Act and to appropriate Funds to Carry Said Act into Effect; and Declaring an Emergency.

Was read the second time.

Pursuant to motion of Senator McGillic, further consideration was deferred until Monday.

Senator Lavik moved that the Senate do now recess until ten o'clock Monday, which motion prevailed.

The Senate stood recessed.

## COURTESIES OF THE FLOOR

The courtesies of the floor were extended to:

F. L. Robertson, E. F. Berry, Jamestown; Donald Dalenberg, Steele.

THOMAS McDONALD,  
Secretary.

FORTY-SEVENTH DAY AFTER RECESS AND  
FORTY-NINTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
February 22, 1937.

The Senate convened at 10:00 A. M., pursuant to recess taken, President Thoresen presiding.

The Senate resumed consideration of the committee report on Senate Bill No. 180, on which action had been deferred.

Senator Gronvold moved that the report of the standing committee be adopted, which motion prevailed.

Senator Cain moved that Senate Bill No. 180 be further amended as follows: "Strike out all of Article 9, appearing on page 887 of the Senate Journal, and renumber the following sections."

Which motion prevailed.

Senator Cain moved that the rules be suspended and Senate Bill No. 180 be considered properly re-engrossed, and placed upon Second Reading and Final passage as amended, 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 bill:

Senate Bill No. 222. A Bill for an Act Establishing and Defining the Powers and Duties of a State Soil Conservation Committee; Providing for the Creation of Soil Conservation Districts and Defining the Powers and Duties Thereof; Empowering Such Districts to Adopt Programs and Regulations in Connection With Land Use Practices; Providing for the Selection of District Supervisors; Providing for the Adoption of Land Use Regulations and Providing Penalty for Violation

of the Same; Providing for Boards of Adjustment in Connection with Land Use Regulations; Providing for the Discontinuance of Districts; Making an Appropriation and Declaring an Emergency.

And find the same correctly engrossed.

WM. KROEBER,  
Chairman.

Senator Kroeber moved that the report be adopted, which motion prevailed, and the report was adopted.

The Senate resumed consideration of the committee report on Senate Bill No. 252, action on which was deferred Saturday pending receipt of printed copies of the bill.

Senator Blaisdell moved that Senate Bill No. 252 be placed on the calendar.

Which motion prevailed.

The Senate resumed consideration of the committee report on House Bill No. 15, action on which had been deferred one legislative day.

The question was on the motion of Senator Brostuen that the report of the majority be adopted.

Senator Fredrickson moved as a substitute motion that the report of the minority be substituted for the report of the majority, which motion was lost.

The question being on the motion of Senator Brostuen, the motion prevailed and the report was adopted.

#### REPORTS OF STANDING COMMITTEES

A minority of the Committee on Elections made the following report:

Mr. President: A minority of your Committee on Elections to whom was referred Senate Bill No. 23, have had the same under consideration and recommend that the same be indefinitely postponed.

BEN GILBERTSON,  
AXEL OLSON.

A majority of the Committee on Elections made the following report:

Mr. President: A majority of your Committee on Elections to whom was referred Senate Bill No. 23, have had the same under consideration and recommend that the same be amended as follows:

In Section 2, page 1, of the printed bill, delete lines 3, 4, 5, 6, and 7 through to the period after the word "party".

In line 1, page 2, substitute Section 8 for Section 4.

And when so amended, recommend the same do pass.

WM. A. THATCHER,  
H. C. GUNTHER,  
WILLIAM KROEBER,  
E. F. MUTCHLER, Chairman.

Senator Guenther moved that the report be adopted.

Senator Gilbertson moved, as a substitute motion, that the report of the minority be substituted for the report of the majority, which motion was lost.

The question being on the motion of Senator Guenther that the report of the majority be adopted, the motion prevailed and the report was adopted.

The Committee on Elections made the following report:

Mr. President: Your Committee on Elections to whom was referred Senate Bill No. 224, have had the same under consideration and recommend that the same be indefinitely postponed.

E. F. MUTCHLER,  
Chairman.

Senator Mutchler moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Public Health made the following report:

Mr. President: Your Committee on Public Health to whom was referred Senate Bill No. 249, have had the same under consideration and recommend that the same be indefinitely postponed.

E. C. STUCKE,  
Chairman.

Senator Stucke moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 254, have had the same under consideration and recommend that the same do pass.

J. P. CAIN,  
Chairman.

Senator Cain moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Owings moved that the Senate do now recess until 1:30 o'clock, which motion prevailed. The Senate stood recessed.

The Senate reconvened pursuant to recess taken.

The Senate had under consideration Senate Bill No. 62.

Which was read the second time on Saturday, February 20, and further action thereon deferred to Monday, February 22nd.

Senator Cain moved that Senate Bill No. 62 be amended as follows:

On page 477 of the Senate Journal, in line 7 of sub-section (e) after the word employ, strike out the word "one" and insert the word "eight".

On page 477 of the Senate Journal, in sub-division (1) of sub-section (f), after the word "employment" in fourth line of said sub-section, strike out the word "one" and insert the word "eight".

On page 484 of the Senate Journal, in Section (B), after the word "payroll" in line 2 of said section, strike out the balance of the Section.

Which motion prevailed.

Senator Cain moved that the rules be suspended and Senate Bill No. 62 be considered properly re-engrossed, and placed upon Second Reading and Final Passage as amended, which motion prevailed.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 62. A Bill for an Act to Create an Unemployment Compensation Fund from Contributions by Employers for the Payment of Compensation for Involuntary Unemployment, to Provide for Merit Ratings for Employers, to Create an Unemployment Compensation Division in the Workmen's Compensation Bureau, to Transfer the North Dakota State Employment Service to the Workmen's Compensation Bureau as a Division Thereof, to Provide for Compensation With the Social Security Board of the United States of America, to Provide for an Employment Service Account and an Appropriation Therefor, Defining and Regulating the Administration of This Act, to Provide for Penalties for Violation of Said Act, 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, 28; nays, 16; absent and not voting 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Nelson, Grand Fks.
Bilden	Johnson	Owings
Blaisdell	Kamrath	Skarvold
Brostuen	Lavik	Strehlow
Coffey	Lemke	Stucke
Drew	Lian	Topp

Messrs.  
Fine  
Fredrickson  
Gilbertson  
Guenther

Messrs.  
Lowe  
Magoffin  
McGillic

Messrs.  
Vinje  
Williams  
Wog

Those voting in the negative were:

Messrs.  
Cain  
Ettestad  
Greene  
Gronvold  
Kolpin  
Kroeber

Messrs.  
Lynn  
Morrison  
Mutchler  
Nelson, Barnes  
Olson

Messrs.  
Streibel  
Thatcher  
Trout  
Watt  
Whelan

Absent and not voting:

Messrs.  
Crandall  
Fowler

Messrs.  
Hulteng  
Thorson

Messrs.  
Young

So the bill passed and the title was agreed to. The emergency clause was declared lost.

MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
February 22, 1937.

Mr. President: I have the honor to transmit herewith the following bill:

House Bill No. 60. A Bill for an Act Making an Appropriation to Provide Funds for the Payment of a Deficit in the Office of the Commissioner of Agriculture and Labor.

Which the Speaker has signed and your signature is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 22, 1937.

Mr. President: I have the honor to return herewith the following bills:

Senate Bill No. 77. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the Workmen's Compensation Bureau.

Also,

Senate Bill No. 56. A Bill for an Act Making an Appro-

priation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Normal School, Mayville, North Dakota.

Also,

Senate Bill No. 55. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items of the State Normal School at Valley City, North Dakota.

Also,

Senate Bill No. 106. A Bill for an Act to Amend and Re-enact Section 7792 of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 154 of the Session Laws of North Dakota, for 1933, Relating to the Amount of Costs on Foreclosure of Liens, Who Entitled Thereto, Prohibiting the Division of Attorney Fees, Prescribing Penalty for Violation, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Also,

Senate Bill No. 86. A Bill for an Act Providing for the Extermination of Bots in Horses and Mules; Defining Bot Treatment; Prescribing the Duties of Township Boards When Petitioned.

Also,

Senate Bill No. 7. A Bill for an Act Making an Appropriation for the Purpose of Indemnifying Owners of Animals Infected with Bovine Tuberculosis and to Pay Expenses in Connection Therewith.

Also,

#### SENATE CONCURRENT RESOLUTION "J".

Which the Speaker has signed.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 22, 1937.

Mr. President: I have the honor to transmit herewith the following bills:

House Bill No. 89. A Bill for an Act Relating to the Administration of Insolvent Banking Institutions; Fixing Duties and Compensations of the District Courts in Connection Therewith; Requiring Delivery of Assets to The Bank of North Dakota; Specifying Its Duties in Connection Therewith; Providing for Appointment of Attorneys and Providing Methods for Disposing of Assets and Closing Receiverships;



Granting the Right of Appeal; Providing for Appointment of Temporary Receivers and Liquidating Committees; and Repealing All Acts or Parts of Acts in Conflict Herewith.

Also,

House Bill No. 150. A Bill for an Act to Amend and Re-enact Section 5, of Chapter 166, of the 1929 Session Laws of the State of North Dakota, Relating to Tax on Motor Fuels and for the Distribution of the Revenues Derived from Said Tax.

Also,

House Bill No. 185. A Bill for an Act to Amend and Re-enact Section 3733 of the 1925 Supplement to the Compiled Laws of 1913, Relating to the Sale of Real Property to Enforce Collection of Delinquent Special Assessments or Installments of Special Assessments, Relating to the Bidding in of Same When no Bidders at Sale, Relating to Damages to Certificate Holders When Statutory Proceedings Not Strictly Followed, Providing a Validating Clause, Making Provisions of This Bill Retroactive, Providing a Saving Clause, and for the Repeal of Inconsistent Acts, and Declaring an Emergency.

Also,

House Bill No. 247. A Bill for an Act to Amend and Re-enact Section Six (6) of That Certain Initiated Law Adopted by the Voters of the State of North Dakota at the Special Election Held September 22, 1933, Entitled as Follows: "An Act Defining and Providing for the Manufacture, Sale and Distribution of Beer, Providing Revenue Therefrom, and Licenses Therefor, Prohibiting the Transfer of Licenses, Excluding Certain Persons from the Right to Purchase the Same, Appointing a State Beer Commissioner and Defining His Powers, Duties, and Salary; Authorizing Cities, Villages and County Commissioners to Provide a Local Tax and Prescribe Rules and Regulations Under Which Beer May Be Sold and Authorizing Municipalities to Provide Penalties for Violation of Their Regulations; Providing for the Administrative Expense of This Act; Making it Unlawful for Any Person to Engage in the Manufacture or Sale of Beer Without First Obtaining a License Therefor; Providing a Penalty for the Violation of the Provision Thereof; Providing for a Saving Clause as to Constitutionality; and Repealing All Acts or Parts of Act in Conflict With This Act, and Making an Appropriation to Carry Out the Provisions Hereof," and Declaring an Emergency.

Also,

House Bill No. 204. A Bill for an Act Amending and Re-enacting Section 3274 of the 1913 Compiled Laws of North Dakota Relating to the Authority of County Commissioners to Sell County Real and Personal Property; Authorizing the County Commissioners to Reserve All or Any Part of the Oil, Gas, Coal and/or Mineral Rights in Land so Sold; Repealing

All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

Also,

House Bill No. 333. A Bill for an Act Making It Unlawful for Any Officer or the Head of Any Department, Board, Bureau, Institution or Industry, to Buy, Sell, Exchange or in Any Manner Acquire or Dispose of Any Bond, Stocks, Certificates of Indebtedness, Notes, Mortgages or Other Evidence of Debt in Which Any Public Funds Have Been or May Be Invested, Without Permission of the Industrial Commission of the State of North Dakota; Providing Penalty for Violation and Declaring an Emergency.

Also,

House Bill No. 365. A Bill for an Act to Repeal Article 5 of Chapter 63 of the Civil Code (1913 Compiled Laws of the State of North Dakota) Relating to Mates and Seamen.

Which the House has passed and your favorable consideration is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 22, 1937.

Mr. President: I have the honor to transmit herewith the following bill:

Senate Bill No. 133. A Bill for an Act to Amend and Re-enact That Portion of Section 2166 of the Supplement to the Compiled Laws of 1913 as was Amended and Re-enacted by Sub-Section (b) of Section 1 of Chapter 279 of the 1931 Session Laws Relating to the Collection of Personal Property Taxes; Providing for Publication of Personal Property Tax List in Newspapers Nearest the Taxing District. Repeal.

Which the House has indefinitely postponed.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### FIRST READING OF SENATE BILLS

The Committee on Printing introduced:

Senate Bill No. 255. A Bill for an Act Relating to the Introduction and Printing of Bills and Providing for an Official Seal for Each Branch of the Legislative Assembly; Repealing Section 52 of the Compiled Laws of 1913 and All Acts and Parts of Acts in Conflict Herewith.

Was read the first time and referred to the Committee on Printing.

Senator Lowe moved that the Senate do now adjourn, which motion prevailed.

The Senate stood adjourned.

THOMAS McDONALD,  
Secretary.

#### FORTY-NINTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
February 22, 1937.

The Senate convened at 2:00 P. M., pursuant to adjournment, the President presiding.

Prayer by the Chaplain, Rev. Schlip, Bismarck.

Roll Call: All members present except Senators Crandall, Fowler, Hulteng and Young.

Senator Gronvold moved the absent Senators be excused, which motion prevailed.

#### REPORT OF COMMITTEE ON REVISION AND CORRECTION OF THE JOURNAL

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 46th day after recess and 47th day and recommend that the same be corrected as follows:

On page 929, line 30, correct spelling of the word "dams".

On page 935, line 10, correct spelling of the word "adjournment".

On page 939, line 14, strike out the words and figures "House Bill No. 353" and insert in lieu thereof the words and figures "House Bill No. 253" and correct title.

On page 951, 10th line from bottom of page, strike out the word "House" and insert in lieu thereof the word "Senate".

And when so corrected recommend that the same be approved.

C. C. MORRISON,  
Chairman.

Senator Owings 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 bill:

Senate Bill No. 180. A Bill for an Act Providing for a Compact Between the States of Minnesota, South Dakota and North Dakota, Authorizing the Creation of a Tristate Waters Commission With Power to Supervise the Utilization and Control of the Waters of That Portion of the Drainage Basin of the Red River of the North Lying Within Minnesota, South Dakota and North Dakota.

And find the same correctly engrossed.

WILLIAM KROEBER,  
Chairman.

Senator Kroeber moved that the report be adopted, which motion prevailed and the report was adopted.

REPORT OF SELECT COMMITTEE

The Conference Committee on House Bill No. 40 made the following report:

Mr. President: Your Conference Committee to whom was referred House Bill No. 40, have had the same under consideration and beg leave to report that we have been unable to agree and ask that the committee be discharged.

For the Senate:

WM. WATT,  
R. M. STREIBEL,  
HENRY WILLIAMS.

For the House:

E. D. SYMINGTON,  
H. F. NIEWOEHNER,  
GEO. H. SAUMUR.

Senator Watt moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Watt moved that the Senate grant unanimous consent to reconsider the vote by which House Bill No. 40 was passed, which motion prevailed, and House Bill No. 40 was reconsidered.

Senator Watt moved that House Bill No. 40 be re-referred to the Committee on Appropriations, which motion prevailed.

REPORTS OF STANDING COMMITTEES

The Committee on Women's and Children's Welfare made the following report:

Mr. President: Your Committee on Women's and Children's Welfare to whom was referred Senate Bill No. 161, have had the same under consideration and recommend that the same do pass, as previously reported out.

SYVER VINJE,  
Chairman.

Senator Vinje moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Public Printing made the following report:

Mr. President: Your Committee on Public Printing to whom was referred Senate Bill No. 226, have had the same under consideration and recommend that the same be amended as follows:

In Section 1, in line 3 of the original bill, after the word "follows", begin a new paragraph and insert at the head of such paragraph the word and figures "Section 69".

And when so amended recommend the same do pass.

MELVIN P. JOHNSON,  
Chairman.

Senator Johnson moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Watt moved that the Senate do now recess, to reconvene at close of Joint Memorial Session.

Which motion prevailed.

The Senate reconvened, pursuant to recess taken.

Senator Wog moved that Senate Bills No. 120 and 79 be placed at the foot of the calendar.

Which motion prevailed.

The Senate had under consideration Senate Bill No. 204.

Senator Johnson moved that Senate Bill No. 204 be amended as follows:

On page 3 of the printed bill, Section 1, strike out lines 25 to 31, inclusive, and insert in lieu thereof the following: "provided, however, that the net amount of moneys received and collected under this Act between the first day of April, 1937, and the first day of April, 1939, after the payment of the expenses of administering this Act, shall be credited by the State Treasurer to the State Public Welfare Fund for use by the Public Welfare Board in carrying out the duties and powers imposed upon it by law".

Strike out all of Section 2 and renumber the following sections.

Senator Fowler moved, as a substitute motion, that Senate Bill No. 204 be placed at the foot of the calendar.

Which motion prevailed.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 22, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bills:

Senate Bill No. 116. A Bill for an Act to Amend and Re-enact Section 8203, Supplement to the Compiled Laws of 1913, Relating to the Right to Exercise Eminent Domain, and Declaring an Emergency.

Also,

Senate Bill No. 244. A Bill for an Act Making an Appropriation to the State Historical Society for the Purchase of Land and/or Materials to Be Used in the Reconstruction of Fort Abercrombie; and Declaring an Emergency.

Also,

Senate Bill No. 169. A Bill for an Act to Provide for the Protection of Prehistoric Deposits, Relics, Indian Mounds, Graves, Village Sites, and Other Archaeological Material. To Provide for Licensing Persons Engaged in Exploring and Excavating for Ancient Ruins and Archaeological Material and Providing a Penalty for Violations.

Also,

Senate Bill No. 113. A Bill for an Act to Authorize and Regulate the Issuance of Bonds for the Purpose of Refinancing or Refinancing and Improving, Revenue-producing Works, Undertakings, and Projects by Cities, Villages and Towns, and to Provide for the Payment of Such Bonds, the Remedies of Holders Thereof; and Declaring an Emergency.

Also,

Senate Bill No. 114. A Bill for an Act to Declare the Necessity of Creating Public Bodies Corporate and Politic to Be Known as Housing Authorities to Undertake Slum Clearance and Projects to Provide Dwelling Accommodations for Persons of Low Income; to Create Such Housing Authorities in Cities Having a Population of More Than 5000 Inhabitants and in Counties; to Define the Powers and Duties of Housing Authorities and to Provide for the Exercise of Such Powers, Including Acquiring Property, Borrowing Money, Issuing Bonds and Other Obligations, and Giving Security Therefor; to Provide that Housing Authorities May Obtain the Attorney General's Opinion Upon Their Bonds; to Provide that Housing Authorities, Their Property and Securities Shall be Exempt From Taxation and Assessment, But to Authorize Certain

Payments in Lieu of Taxes; to Confer Remedies on Obligees of Housing Authorities; and to Declare an Emergency.

Which the Senate has passed and your favorable consideration is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

SECOND READING OF SENATE BILLS

Senate Bill No. 192. A Bill for an Act Making an Appropriation for a Pension for Mrs. Thelma Crites, Widow of National Guardsman John E. Crites.

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, 37; nays, 1; absent and not voting, 11.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Nelson, Grand Fks.
Bilden	Kolpin	Olson
Blaisdell	Kroeber	Skarvold
Brostuen	Lemke	Strehlow
Coffey	Lian	Stucke
Drew	Lowe	Thorson
Ettestad	Lynn	Topp
Fine	Magoffin	Trout
Fowler	McGillic	Vinje
Fredrickson	Morrison	Watt
Gilbertson	Mutchler	Williams
Greene	Nelson, Barnes	Wog
Gronvold		

Those voting in the negative were:

Messrs.  
Owings

Absent and not voting:

Messrs.	Messrs.	Messrs.
Cain	Johnson	Thatcher
Crandall	Kamrath	Whelan
Guenther	Lavik	Young
Hulteng	Streibel	

So the bill passed and the title was agreed to, and the emergency clause declared adopted.

Senator Blaisdell moved that the vote by which Senate Bill No. 192 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 247. A Bill for an Act Making an Appropriation for Payment of a Deficit in the Amount Appropriated for Payment of Per Diem of Employees of Twenty-Fifth Legislative Assembly, 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, 7.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Olson
Bilden	Kolpin	Owings
Blaisdell	Kroeber	Skarvold
Brostuen	Lavik	Strehlow
Coffey	Lemke	Streibel
Drew	Lian	Stucke
Ettestad	Lowe	Thatcher
Fine	Lynn	Thorson
Fowler	Magoffin	Topp
Fredrickson	McGillic	Trout
Gilbertson	Morrison	Vinje
Greene	Mutchler	Watt
Gronvold	Nelson, Barnes	Williams
Guthrie	Nelson, Grand Fks.	Wog

Absent and not voting:

Messrs.	Messrs.	Messrs.
Cain	Hulteng	Whelan
Crandall	Kamrath	Young
Guenther		

So the bill passed, the title was agreed to, and the emergency clause was declared carried.

Senator Lemke moved that the vote by which Senate Bill No. 247 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 248. A Bill for an Act to Encourage and Promote the Payment of Taxes By Providing for a Rebate On Payments.

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, 37; nays, 8; absent and not voting, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Nelson, Grand Fks.
Bilden	Johnson	Skarvold
Blaisdell	Kolpin	Strehlow
Cain	Kroeber	Stucke
Coffey	Lavik	Thatcher
Drew	Lemke	Thorson
Ettestad	Lian	Trout
Fowler	Lynn	Vinje
Fredrickson	Magoffin	Watt
Gilbertson	McGillic	Whelan
Greene	Morrison	Williams
Gronvold	Mutchler	Wog
Guenther		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Brostuen	Nelson, Barnes	Streibel
Fine	Olson	Topp
Lowe	Owings	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Crandall	Kamrath	Young
Hulteng		

So the bill passed and the title was agreed to.

Senator Gronvold moved that the vote by which Senate Bill No. 248 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 243. A Bill for an Act Making an Emergency Appropriation for High School Correspondence Courses; and Declaring an Emergency.

Was read the second time.

Senator Fine moved that Senate Bill No. 243 be further amended as follows:

In line 3 of Section 2 of the printed bill, after the word "passage", strike out the period and insert the following words: "and approval".

Which motion prevailed.

Senator Johnson moved that Senate Bill No. 243 be amended as follows:

In line 2 of Section 2 of the printed bill, following the word "emergency", insert the word "measure".

Which motion prevailed.

Senator Fine moved that the rules be suspended and Senate Bill No. 243 be considered properly re-engrossed, and placed upon Second Reading and Final Passage, as amended, which motion prevailed.

### ROLL CALL

The question being on the final passage of Senate Bill No. 243, as amended, the roll was called and there were ayes, 45; nays, 0; absent and not voting 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Johnson	Owings
Blaisdell	Kolpin	Skarvold
Brostuen	Kroeber	Strehlow
Cain	Lavik	Streibel
Coffey	Lemke	Stucke
Drew	Lian	Thatcher
Ettestad	Lowe	Thorson
Fine	Lynn	Topp
Fowler	Magoffin	Trout
Fredrickson	McGillic	Vinje
Gilbertson	Morrison	Watt
Greene	Mutchler	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog

Absent and not voting:

Messrs.	Messrs.	Messrs.
Crandall	Kamrath	Young
Hulteng		

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Senator Fine moved that the vote by which Senate Bill No. 243 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 246. A Bill for an Act, Providing for the Issuance by the Industrial Commission of Certificates of Indebtedness in Anticipation of the Collection of Property Taxes, Which Have Been Levied by the State Board of Equalization; Prescribing the Terms and Conditions Hereof; Providing for Their Sale and Delivery and Payment; Establishing of the Certificate of Indebtedness Retirement Fund, and Repealing All Acts or Parts of Acts Inconsistent With the Provisions of This Act, 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 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Nelson, Barnes
Bilden	Guthrie	Nelson, Grand Fks.
Blaisdell	Kamrath	Olson
Brostuen	Kolpin	Owings
Cain	Lavik	Skarvold
Coffey	Lemke	Strehlow
Drew	Lian	Stucke
Ettestad	Lowe	Thatcher
Fowler	Lynn	Thorson
Fredrickson	Magoffin	Vinje
Gilbertson	McGillic	Watt
Greene	Morrison	Whelan
Gronvold	Mutchler	Wog

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Johnson	Topp	Trout
Streibel		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Crandall	Hulteng	Williams
Fine	Kroeber	Young

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Senator Brostuen moved that the vote by which Senate Bill No. 246 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 222. A Bill for an Act Establishing and Defining the Powers and Duties of a State Soil Conservation Committee; Providing for the Creation of Soil Conservation Districts and Defining the Powers and Duties Thereof; Empowering Such Districts to Adopt Programs and Regulations in Connection With Land Use Practices; Providing for the Selection of District Supervisors; Providing for the Adoption of Land Use Regulations and Providing Penalty for Violation of the Same; Providing for Boards of Adjustment in Connection with Land Use Regulations; Providing for the Discontinuance of Districts; Making an Appropriation 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, 1; absent and not voting 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Owings
Bilden	Kolpin	Skarvold
Blaisdell	Lavik	Strehlow
Brostuen	Lemke	Streibel
Coffey	Lian	Stucke
Drew	Lowe	Thatcher
Ettestad	Lynn	Thorson
Fowler	Magoffin	Topp
Fredrickson	McGillic	Trout
Gilbertson	Morrison	Vinje
Greene	Mutchler	Watt
Gronvold	Nelson, Barnes	Whelan
Guenther	Nelson, Grand Fks.	Williams
Guthrie	Olson	Wog
Johnson		

Those voting in the negative were:

Messrs.  
Kroeber

Absent and not voting:

Messrs.	Messrs.	Messrs.
Cain	Fine	Young
Crandall	Hulteng	

So the bill passed and the title was agreed to, and the emergency clause declared carried.

Senator Strehlow moved that the vote by which Senate Bill No. 222 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 22, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bills:

Senate Bill No. 192. A Bill for an Act Making an Appropriation for a Pension for Mrs. Thelma Crites, Widow of National Guardsman John E. Crites.

Also,

Senate Bill No. 247. A Bill for an Act Making an Appropriation for Payment of a Deficit in the Amount Appropriated for Payment of Per Diem of Employees of

Twenty-Fifth Legislative Assembly, and Declaring an Emergency.

Also,

Senate Bill No. 248. A Bill for an Act to Encourage and Promote the Payment of Taxes By Providing for a Rebate On Payments.

Also,

Senate Bill No. 246. A Bill for an Act, Providing for the Issuance by the Industrial Commission of Certificates of Indebtedness in Anticipation of the Collection of Property Taxes, Which Have Been Levied by the State Board of Equalization; Prescribing the Terms and Conditions Hereof; Providing for Their Sale and Delivery and Payment; Establishing of the Certificate of Indebtedness Retirement Fund, and Repealing All Acts or Parts of Acts Inconsistent With the Provisions of This Act, and Declaring an Emergency.

Also,

Senate Bill No. 222. A Bill for an Act Establishing and Defining the Powers and Duties of a State Soil Conservation Committee; Providing for the Creation of Soil Conservation Districts and Defining the Powers and Duties Thereof; Empowering Such Districts to Adopt Programs and Regulations in Connection With Land Use Practices; Providing for the Selection of District Supervisors; Providing for the Adoption of Land Use Regulations and Providing Penalty for Violation of the Same; Providing for Boards of Adjustment in Connection with Land Use Regulations; Providing for the Discontinuance of Districts; Making an Appropriation and Declaring an Emergency.

Which the Senate has passed and your favorable consideration is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
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 Bill No. 7. A Bill for an Act Making an Appropriation for the Purpose of Indemnifying Owners of Animals Infected with Bovine Tuberculosis and to Pay Expenses in Connection Therewith.

Also,

Senate Bill No. 55. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items of the State Normal School at Valley City, North Dakota.

Also,

Senate Bill No. 56. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Normal School, Mayville, North Dakota.

Also,

Senate Bill No. 77. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the Workmen's Compensation Bureau.

Also,

Senate Bill No. 86. A Bill for an Act Providing for the Extermination of Bots in Horses and Mules; Defining Bot Treatment; Prescribing the Duties of Township Boards When Petitioned.

Also,

Senate Bill No. 106. A Bill for an Act to Amend and Re-enact Section 7792 of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 154 of the Session Laws of North Dakota, for 1933, Relating to the Amount of Costs on Foreclosure of Liens, Who Entitled Thereto, Prohibiting the Division of Attorney Fees, Prescribing Penalty for Violation, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Were delivered to the Governor for his approval at the hour of 5:15 P. M., o'clock, February 22, 1937.

WILLIAM KROEBER,  
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 bills:

Senate Bill No. 204. A Bill for an Act to Amend and Re-enact Chapter 98 of the Session Laws of North Dakota for the Year 1935, Entitled as Follows: "An Act to Amend and Re-enact Section Six (6) of That Certain Initiated Law Adopted by the Voters of the State of North Dakota at the Special Election Held September 22, 1933, Entitled as Follows: "An Act Defining and Providing for the Manufacture, Sale and Distribution of Beer, Providing Revenue Therefrom, and Licenses Therefor, Prohibiting the Transfer of Licenses, Excluding Certain Persons from the Right to

Purchase the Same, Appointing a State Beer Commissioner and Defining His Powers, Duties, and Salary, Authorizing Cities, Villages and County Commissioners to Provide a Local Tax and Prescribe Rules and Regulations Under Which Beer May Be Sold and Authorizing Municipalities to Provide Penalties for Violation of Their Regulations; Providing for the Administrative Expense of This Act; Making It Unlawful for Any Person to Engage in the Manufacture or Sale of Beer Without First Obtaining a License Therefor; Providing a Penalty for the Violation of the Provision Thereof; Providing for a Saving Clause as to Constitutionality; and Repealing Senate Bill No. 263, Passed by the 23rd Legislative Assembly of the State of North Dakota, and All Acts or Parts of Acts in Conflict With This Act, and Making an Appropriation to Carry Out the Provisions Thereof," and Declaring an Emergency."

Also,

Senate Bill No. 226. A Bill for an Act Amending and Re-enacting Section 69 of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, Relating to Printing of Popular and Authenticated Editions of the Session Laws, Reducing Numbers of Copies of Popular Editions Required to Be Printed, and Repealing All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Also,

Senate Bill No. 243. A Bill for an Act Making an Emergency Appropriation for High School Correspondence Courses; and Declaring an Emergency.

And find the same correctly engrossed.

WILLIAM KROEBER,  
Chairman.

Senator Kroeber moved that the report be adopted, which motion prevailed, and the report was adopted.

The Secretary announced that the President was about to sign House Bill No. 60, and the President signed the same in the presence of the Senate.

Senator Fowler moved that the Senate do now recess until 10:30 A. M. tomorrow, which motion prevailed.

The Senate stood recessed.

#### COURTESIES OF THE FLOOR

The courtesies of the floor were extended to: J. R. Tangen, A. C. Marken, Pekin; Mrs. W. M. Targart, Bismarck; H. E. Elickson, Charlson; Miss M. Sundfor, Mrs. L. Sundfor, Fargo; C. V. Slyter, J. E. Balmer, Belcourt; H. C. Hagen, Ray Murry, Dunseith; Wm. Munro, F. A. Foley, Rolla; Louise Sween, Dorothy Tiedman, Bismarck.

THOMAS McDONALD,  
Secretary.

FORTY-NINTH DAY AFTER RECESS AND  
FIFTIETH DAY

Senate Chamber,  
Bismarck, North Dakota,  
February 23, 1937.

The Senate convened at 10:30 A. M., pursuant to recess taken, President Thoresen presiding.

The Senate had under consideration

SECOND READING OF SENATE BILLS

Senate Bill No. 161. A Bill for an Act to Promote the Public Welfare by Providing for Assistance for Crippled Children and for Child Welfare Services.

Was read the second time.

Senator Vinje moved that Senate Bill No. 161 be amended as follows:

At the end of Section 7, top of page 5, add the following:

"In order that there be a coordination of all Child Welfare, Crippled Children and Child Health Services in the State, the Public Welfare Board shall create an Advisory Committee to be known as the Maternal and Child Welfare Advisory Committee and a medical committee to be known as the Crippled Children's Medical Committee.

"The Maternal and Child Welfare Advisory Committee shall consist of a representative selected by each of the following organizations: State Health Department, State Medical Association, State Department of Education, State Nursing Association, State Board of Administration, American Legion, State Elks Association, State Dental Association, State Shriners Association, American Legion Auxiliary, State Federation of Women's Clubs, Judicial Council, Parent-Teachers Association, Attorney General's Department, State Conference of Social Work, Service Clubs and any organization carrying on a state-wide child welfare program.

"The Crippled Children's Medical Committee shall consist of the State Health Officer, who shall be chairman of the committee, a member of the State Welfare Board and three



physicians, at least two of whom shall be registered orthopedic surgeons, these three to be appointed by the Public Welfare Board with the advice and counsel of the State Health Officer.

"The Maternal and Child Welfare Advisory Committee shall serve without compensation or expense of any kind to the State or the the Public Welfare Board.

"The Crippled Children's Medical Committee shall serve without compensation except that the orthopedic surgeons shall be paid for actual professional services rendered in connection with the Crippled Children Program and the members of the committee may be paid actual expenses for subsistence and transportation in attending meetings called by the Chairman of the Committee."

Which motion prevailed.

Senator Drew moved that the amendment to Senate Bill No. 161 be amended as follows: In line 3 of paragraph 3, strike out the word "registered" and insert the word "recognized".

Which motion prevailed.

Senator Drew moved that the amendment be further amended by striking out all of paragraph 2.

Which motion lost.

Senator Vinje moved that the rules be suspended and Senate Bill No. 161 be considered properly re-engrossed, and placed upon Second Reading and Final Passage, as amended.

Which motion prevailed.

### ROLL CALL

The question being on the final passage of Senate Bill No. 161, as amended, the roll was called and there were ayes, 38; nays, 6; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Morrison
Bilden	Guthrie	Mutchler
Blaisdell	Johnson	Nelson, Barnes
Brostuen	Kamrath	Skarvold
Cain	Kolpin	Strehlow
Coffey	Kroeber	Streibel
Ettestad	Lavik	Stucke
Fine	Lemke	Vinje
Fowler	Lian	Watt
Fredrickson	Lowe	Whelan
Gilbertson	Lynn	Williams
Greene	Magoffin	Wog
Gronvold	McGillic	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Drew	Owings	Thorson
Olson	Thatcher	Topp

Absent and not voting:

Messrs.	Messrs.	Messrs.
Crandall	Nelson, Grand Fks.	Young
Hulteng	Trout	

So the bill passed, the title was agreed to, and the emergency clause was declared carried.

Senator Vinje moved that the vote by which Senate Bill No. 161 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 226. A Bill for an Act Amending and Re-enacting Section 69 of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, Relating to Printing of Popular and Authenticated Editions of the Session Laws, Reducing Numbers of Copies of Popular Editions Required to Be Printed, and Repealing All Acts or Parts of Acts in Conflict Herewith, 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, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Johnson	Owings
Blaisdell	Kamrath	Skarvold
Brostuen	Kolpin	Strehlow
Cain	Kroeber	Streibel
Coffey	Lavik	Stucke
Drew	Lemke	Thatcher
Ettestad	Lian	Thorson
Fine	Lowe	Topp
Fowler	Lynn	Trout
Fredrickson	Magoffin	Vinje
Gilbertson	McGillic	Watt
Greene	Morrison	Whelan
Gronvold	Mutchler	Williams
Guenther	Nelson, Barnes	Wog

Absent and not voting:

Messrs.	Messrs.	Messrs.
Crandall	Nelson, Grand Fks.	Young
Hulteng		

So the bill passed, the title was agreed to, and the emergency clause was declared carried.

Senator Johnson moved that the vote by which Senate Bill No. 226 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 254. A Bill for an Act to Amend and Re-enact Section 2 and to Repeal Sections 3 and 4 of Chapter 138 of the North Dakota Session Laws for the Year 1929 Entitled "An Act to Provide for the Storage of Grain Upon Farms and on or Near Railway Rights-of-Way Within the State of North Dakota; Regulating the Same for the Purpose of Procuring Loans Upon Such Grain; Making Provisions for the Issuance of Negotiable Warehouse Certificates Upon Grain so Stored, Not in a Public Warehouse; Creating the Office of 'Grain Storage Commissioner of North Dakota,' Prescribing His Duties and Empowering Him to Make Rules and Regulations Necessary or Advisable to the Purposes of Such Act; Prescribing Penalties for the Violation of the Provisions Thereof; and Repealing All Acts or Parts of Acts in Conflict Therewith.

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, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Nelson, Grand Fks.
Bilden	Johnson	Olson
Blaisdell	Kamrath	Owings
Brostuen	Kolpin	Skarvold
Cain	Kroeber	Strehlow
Coffey	Lavik	Streibel
Drew	Lemke	Thatcher
Ettestad	Lian	Thorson
Fine	Lowe	Topp
Fowler	Lynn	Trout
Fredrickson	Magoffin	Vinje
Gilbertson	McGillic	Watt
Greene	Morrison	Whelan
Gronvold	Mutchler	Wog
Guenther	Nelson, Barnes	Williams

Absent and not voting:

Messrs.	Messrs.	Messrs.
Crandall	Stucke	Young
Hulteng		

So the bill passed and the title was agreed to.

Senator Kroeber moved that the vote by which Senate Bill

No. 254 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 23. A Bill for an Act to Amend and Re-enact Sections 2, 3 and 8 of Chapter 135, of the Session Laws of 1935, Relating to the Election of Presidential Electors, Precinct Committeemen; Delegates to National Conventions, National Committeemen and Committeewomen; for organization of County and State Committees, of Political Parties.

Was read the second time.

Senator Johnson moved that Senate Bill No. 23 be amended as follows:

On page 2 of the printed bill, Section 4, strike out the word "Wednesday" wherever it occurs and insert in lieu thereof the word "Tuesday".

Which motion prevailed.

Senator Blaisdell moved that Senate Bill No. 23 be placed at the foot of the calendar.

Which motion prevailed.

Senate Bill No. 180. A Bill for an Act Providing for a Compact Between the States of Minnesota, South Dakota and North Dakota, Authorizing the Creation of a Tristate Waters Commission With Power to Supervise the Utilization and Control of the Waters of That Portion of the Drainage Basin of the Red River of the North Lying Within Minnesota, South Dakota and North Dakota.

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, 46; nays, 1; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Olson
Bilden	Kamrath	Owings
Blaisdell	Kolpin	Skarvold
Brostuen	Kroeber	Strehlow
Cain	Lavik	Streibel
Coffey	Lemke	Stucke
Drew	Lian	Thorson
Ettestad	Lowe	Topp
Fine	Lynn	Trout
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams

Messrs.	Messrs.	Messrs.
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young
Guthrie		

Those voting in the negative were:

Messrs.  
Thatcher

Absent and not voting:

Messrs.	Messrs.
Crandall	Hulteng

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. 180 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

#### REPORTS OF STANDING COMMITTEES

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 19, have had the same under consideration and recommend that the same be indefinitely postponed.

B. W. LEMKE,  
Chairman.

Senator Lemke moved that the report be adopted, which motion prevailed and the report was adopted.

A majority of the Committee on Taxes and Tax Laws made the following report:

Mr. President: A majority of your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 70, have had the same under consideration and recommend that the same do pass.

O. E. BILDEN,  
AXEL OLSON,  
W. J. TROUT,  
WILLIAM KAMRATH,  
OLE ETTESTAD,  
GUST WOG,  
ED. GREENE,  
J. K. BROSTUEN, Chairman.

A minority of the Committee on Taxes and Tax Laws made the following report:

Mr. President: A minority of your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 70,

Have had the same under consideration and recommend that the same be amended as follows:

That Senate Bill No. 70 be amended by striking out everything after the words "A Bill" and inserting in lieu thereof the provisions of the 1933 Income Tax Law as follows:

"For an Act Providing for and Relating to the Taxation of Income of Individuals, Fiduciaries and Corporations; Prescribing the Rates Which Shall Be Paid with Respect to the Net Income as Defined in Article 35 of Chapter 34 of Political Code of the Supplement to the Compiled Laws of 1913 and Acts Amendatory Thereof; Providing When Losses May Be Deducted, Providing for Exemptions; Providing for Date of Effect, and Declaring an Emergency.

"Be It Enacted by the Legislative Assembly of the State of North Dakota:

"Section 1. INCOME TAX; GRADUATED RATE.) A tax is hereby imposed upon every resident of North Dakota, which tax shall be levied, collected and paid annually with respect to his entire net income as defined in Article 35 of Chapter 34 of Political Code being Sections 2346a1 to 2346a50 inclusive of the Supplement to the Compiled Laws of 1913 and Acts amendatory thereof, computed at the following rates; after deducting the exemptions provided for in this Act:

"On all net incomes, above exemptions, and not in excess of \$2,000, a tax of 1%;

"On all net incomes in excess of \$2,000, above exemptions, and not in excess of \$4,000, a tax of 2%;

"On all net incomes in excess of \$4,000, above exemptions, and not in excess of \$5,000, a tax of 3%;

"On all net incomes in excess of \$5,000, above exemptions, and not in excess of \$6,000, a tax of 5%;

"On all net incomes in excess of \$6,000, above exemptions, and not in excess of \$8,000, a tax of 7½%;

"On all net incomes in excess of \$8,000, above exemptions, and not in excess of \$10,000, a tax of 10%;

"On all net incomes in excess of \$10,000, above exemptions, and not in excess of \$15,000, a tax of 12½%;

"On all net incomes in excess of \$15,000, above exemptions, 15%.

"Section 2. EXEMPTIONS.) A. For the purpose of the tax on individuals, there shall be deducted from the net income the following exemptions:

"(1) In the case of a single individual, an exemption of \$500.00.

"(2) In the case of a head of a family or married individual living with husband or wife, a personal exemption of \$1,500.00. A husband and wife living together shall receive but one personal exemption of \$1,500.00 against their

aggregate net income; and in case they make separate returns, the personal exemption of \$1,500.00 may be taken by either or divided between them.

“(3) Two hundred dollars for each individual (other than husband or wife) dependent upon and receiving his chief support from the taxpayer, if such dependent individual is under eighteen years of age or is incapable of self support because mentally or physically defective or incapacitated, provided, that exemptions may be claimed for children over the age of eighteen years and under the age of twenty-one years that are dependent upon the taxpayer for support and are attending educational institutions.

“B. For the purpose of the tax on fiduciaries, there shall be deducted:

“(1) If taxable under Article III, Section 14, (a) (Section 2346a13a, ante), a personal exemption of \$500.00.

“(2) If taxable under Article III, Section 14 (b) (Section 2346a13b, ante), same exemption as would be allowed the deceased if living.

“(3) If taxable under Article III, Section 14, (c) (Section 2346a13c, ante), the same exemption to which the beneficiary would be entitled.

“C. The status on the last day of the income year shall determine the right to exemptions provided in this section; provided, a taxpayer shall be entitled to such exemptions for husband, wife or dependent who has died during the income year.

“Section 3. DEDUCTIONS ALLOWED.) In computing net income there shall be allowed as deductions:

“(1) All the ordinary and necessary expenses paid during the income year in the carrying on of any trade or business including a reasonable allowance for salaries or other compensation for personal services actually rendered, and including rentals or other payments required to be made as a condition to the continued use or possession, for the purpose of the trade or business, of property to which the taxpayer has not taken or is not taking title, or in which he has no equity.

“(2) Interest paid or accrued within the year on taxpayer's indebtedness.

“(3) Taxes paid or accrued within the income year upon property or business, but not including those assessed against local benefits of a kind tending to increase the value of the property assessed. Federal income taxes may be deducted to the extent such taxes represent a tax paid on income taxable under this Act.

“(4) Losses actually sustained within the year and not compensated by insurance or otherwise, provided that no loss may be allowed in the sale of property purchased and held for pleasure or recreation and which was not acquired or used for profit but this proviso shall not be construed to exclude losses due to theft or the destruction of property by

fire, flood or other casualty, or a loss sustained in any sale of the residence of the taxpayer. In the case of a taxpayer other than a resident of the State, losses shall be allowed only as to transactions in real property or in tangible personal property having an actual situs in this State and losses in connection with any business, trade, profession or occupation carried on in this State.

“(5) Debts ascertained to be worthless and charged off within the income year. In the case of a debt existing on January first, nineteen hundred and nineteen, no more than its fair market value on that date shall be deducted. A worthless debt arising since January first, nineteen hundred and nineteen, from unpaid wages, salary, rent or any other similar item of taxable income, is not an allowable deduction unless the income which such item represents has been included as income by the taxpayer in a return rendered under this Act.

“(6) A reasonable allowance for necessary repairs and a reasonable allowance for depreciation by use, wear and tear of property used in business or trade, and in case of mines, oil and gas wells or other natural deposits, a reasonable allowance for depletion of ores and other natural deposits on the basis of their actual original cost in cash or in the equivalent of cash, and including cost of development, and in case of property acquired prior to January 1, 1919, the fair market value on that date shall be taken in lieu of cost up to that date.

“(7) Dividends or income received by any person from stock or interest in any corporation, the income of which shall have been assessed under this Act; provided, that when only a part of the income of any corporation shall have been assessed under this Act, only corresponding part of the dividends or income received therefrom shall be deducted.

“(8) Contributions or gifts made within the income year to (a) the State of North Dakota, or any political subdivision thereof, exclusively for public purposes, or (b) to any community chest, corporation, association or trust, or fund, or foundation, organized and operated exclusive for religious, charitable, scientific, literary or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, or (c) to posts or organizations of war veterans or auxiliary units or societies of such organizations, if such posts, organizations, units or societies are within North Dakota and if no part of their net income inures to the benefit of any private shareholder or individual; provided, that such contributions or gifts may be deducted only to an amount which in all the above cases combined does not exceed fifteen per cent (15%) of the taxpayer's net income as computed without the benefit of this subsection.

“Section 4. NET LOSSES.) (a) Definition of ‘Net Loss’. As used in this Act the term ‘net loss’ means the excess of the deductions allowed by this Act over the gross income, with the following exceptions and limitations.



“(1) Non-business deductions. Deductions otherwise allowed by law not attributable to the operation of a trade of business regularly carried on by the taxpayer shall be allowed only to the extent of the amount of the gross income not derived from such trade or business.

“(2) Dividends. The deductions provided for in Section 3 hereof, Paragraph 7, and in Section 2346a30, Paragraph 7 of amounts received as dividends shall not be allowed.

“(3) Interest. There shall be included in computing gross income the amount of interest received free from tax under this Act, decreased by the amount of interest paid or accrued which is not allowed as a deduction under this Act.

“(4) Net loss not to produce net loss. In computing the net loss for any income year a net loss for a prior year shall not be allowed as a deduction.

“(b) Net loss as a Deduction. If, for any income year, it appears upon the production of evidence satisfactory to the Tax Commissioner that any taxpayer has sustained a net loss, the amount thereof shall be allowed as a deduction in computing the net income of the taxpayer for the succeeding income year, and if such net loss is in excess of such net income (computed without such deduction), the amount of such excess shall be allowed as a deduction in computing the net income for the next succeeding income year; the deduction in all cases to be made under regulations prescribed by the Tax Commissioner.

“Section 5. DATE OF EFFECT.) This Act shall be effective on all income received during the year ending December 31, 1936, and subsequent years.

“Section 6. 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.

GEORGE V. COFFEY  
A. W. FOWLER  
TOM WHELAN  
J. P. CAIN  
G. F. DREW

Senator Fowler moved that the reading of the amendments be dispensed with.

Which motion prevailed.

Senator Brostuen moved that the report of the majority be adopted.

Senator Fowler moved, as a substitute motion, that the report of the minority be substituted for the report of the majority.

Roll call demanded and granted.

## ROLL CALL

The question being on the adoption of the minority report on Senate Bill No. 70, the roll was called and there were ayes, 16; nays, 31; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Cain	Gronvold	Nelson, Grand Fks.
Coffey	Guthrie	Vinje
Drew	Kroeber	Watt
Fowler	Lowe	Whelan
Fredrickson	Magoffin	Young
Gilbertson		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Lavik	Skarvold
Bilden	Lemke	Strehlow
Blaisdell	Lian	Streibel
Brostuen	Lynn	Stucke
Ettestad	McGillic	Thatcher
Fine	Morrison	Thorson
Greene	Mutchler	Topp
Guenther	Nelson, Barnes	Trout
Johnson	Olson	Williams
Kamrath	Owings	Wog
Kolpin		

Absent and not voting:

Messrs.	Messrs.
Crandall	Hulteng

So the motion was declared lost.

The question being upon the motion of Senator Brostuen that the report of the majority be adopted, the motion prevailed.

Senator Gilbertson moved that the Senate do now recess until 1:30 o'clock, which motion prevailed.

The Senate stood recessed.

The Senate reconvened pursuant to recess taken.

The Committee on Irrigation and Drainage made the following report:

Mr. President: Your Committee on Irrigation and Drainage to whom was referred Senate Bill No. 150, Have had the same under consideration and recommend that the same be indefinitely postponed.

F. T. GRONVOLD,  
Chairman.

Senator Gronvold moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Taxes and Tax Laws made the following report:

Mr. President: Your Committee on Taxes and Tax Laws to whom was referred Senate Bill 183,

Have had the same under consideration and recommend that the same be amended as follows:

On page 2 of the printed bill, in line 7, after the word "money" insert the following: "not exceeding the total sum of \$500,000.00".

And when so amended recommend the same do pass.

J. K. BROSTUEN,  
Chairman.

Senator Brostuen moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Ways and Means made the following report:

Mr. President: Your Committee on Ways and Means to whom was referred Senate Bill No. 210,

Have had the same under consideration and recommend that the same be indefinitely postponed.

ED. GREENE,  
Chairman.

Senator Greene moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Banks and Banking made the following report:

Mr. President: Your Committee on Banks and Banking to whom was referred Senate Bill No. 240,

Have had the same under consideration and recommend that the same do pass.

MAX H. STREHLOW,  
Chairman.

Senator Strehlow moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Banks and Banking made the following report:

Mr. President: Your Committee on Banks and Banking to whom was referred Senate Bill No. 241,

Have had the same under consideration and recommend that the same do pass.

MAX H. STREHLOW,  
Chairman.

Senator Strehlow moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 245,

Have had the same under consideration and recommend that the same do pass.

**B. W. LEMKE,**  
Chairman.

Senator Lemke moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Banks and Banking made the following report:

Mr. President: Your Committee on Banks and Banking to whom was referred Senate Bill No. 253, have had the same under consideration and recommend that the same do pass.

**MAX H. STREHLOW,**  
Chairman.

Senator Strehlow moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Public Printing made the following report:

Mr. President: Your Committee on Public Printing to whom was referred Senate Bill No. 255, have had the same under consideration and recommend that the same be amended as follows:

In Section 2 of the Engrossed Bill, in line 5, strike out the word "ten" and insert in lieu thereof the word "eleven."

In line 7 of the same section, strike out the figures "33" and insert in lieu thereof the figures "30". In the same line, strike out the figures "55" and insert in lieu thereof the figures "50".

And when so amended recommend the same do pass.

**MELVIN P. JOHNSON,**  
Chairman.

Senator Johnson moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Corporations made the following report:

Mr. President: Your Committee on Corporations to whom was referred Senate Bill No. 251, have had the same under consideration and recommend that the same be indefinitely postponed.

**MILTON R. YOUNG,**  
Chairman.

Senator Young moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on State Affairs made the following report:

Mr. President: Your Committee on State Affairs to whom was referred Senate Bill No. 163, have had the same under consideration and recommend that the same do pass.

G. F. DREW,  
Chairman.

Senator Ettestad moved that the report be adopted, which motion prevailed and the report was adopted.

A minority of the Committee on Taxes and Tax Laws made the following report:

Mr. President: A minority of your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 80, have had the same under consideration and recommend that the same be amended as follows:

That all of the amendments recommended by the majority report be adopted except the last amendment, No. 26, which shall be stricken out and the following amendment substituted therefor, viz:

"In line 14, page 23, in the blank space after the sign "\$" insert the figures "3,000.00."

In line 26, page 23, in the blank space after the sign "\$" insert the figures "3,000.00."

And when so amended recommend the same do pass.

A. W. FOWLER,  
TOM WHELAN,  
J. P. CAIN,  
G. F. DREW.

A majority of your Committee on Taxes and Tax Laws made the following report:

Mr. President: A majority of your Committee on Taxes and Tax Laws to whom was referred Senate Bill No. 80, have had the same under consideration and recommend that the same be amended as follows:

1. On page 1 of the printed bill, in Section 1 at line 5, sub-division "(a)" after the word "Person", insert the words "consumer or user".

2. On page 2, in line 6 after the comma after the word "corporation", insert the following language: "the State of North Dakota and any of its sub-divisions, departments or institutions, any county, city, village, township, school district, park district,".

3. On page 2, in line 21 after the period after the word "customer", insert the following: "By the term 'processing' as used in this Act is meant tangible personal property that

is used directly in the production of other tangible personal property and which latter personal property, when processed, becomes subject to the retail sales tax. The sale of an item of tangible personal property for the purpose of incorporating it in or attaching it to other real or personal property otherwise exempt from the sales tax shall for the purposes of this Act be considered as a sale of tangible personal property for a purpose other than for processing”.

4. On page 2 in line 29 after the word “Act”, strike out the period and insert a comma and add the following: “and shall include any person as herein defined who by contract or otherwise agrees to furnish for a consideration a totally or partially finished product consisting in whole or in part of tangible personal property subject to the sales tax herein provided, and all items of tangible personal property entering into the performance of such contract as a component part of the product agreed to be furnished under said contract shall be subject to the sales tax herein provided, and the sales tax thereon shall be collected by the contractor from the person for whom the contract has been performed in addition to the contract price agreed upon, and shall be remitted to the State in the manner provided in this Act”.

5. On page 4 of the printed bill in line 16 strike out the period after the word “Act” and insert a semi-colon and add the following: “and a like rate of tax upon the gross purchase price at place of purchase of tangible personal property by residents of this state for use or consumption within this state and purchased outside of this state for any purpose other than for processing or for resale.”

6. On page 5, Section 3, in line 12, strike out the language “the effective date of this division” and insert the language “May 1st, 1935.”

7. On page 5, at line 16, change the word “exempted” to read “expended”.

8. On page 5, in Section 3, insert a new subdivision “(f)” to read as follows:

“(f) The gross receipts from sales of tangible personal property to residents of States of the United States or Provinces of the Dominion of Canada adjacent to this state, and not for use or consumption within this state; except that a tax shall be collected at the same rate as is imposed in such adjoining state or province, not exceeding the rate imposed by this act. Before making any sale without requiring payment of the tax as herein provided, the retailer shall require the purchaser to sign a statement in substantially the following form:

“I do solemnly affirm that I am a resident of the State or Province of \_\_\_\_\_; that I have this day purchased of \_\_\_\_\_ merchandise of the total cost of \$ \_\_\_\_\_, upon which purchase I have paid sales tax amounting to \$ \_\_\_\_\_ and no more; and that said merchandise was not purchased by me for use or consumption within this state and will be taken

outside of the state in the original package in which delivered to me by the retailer.

"Signed \_\_\_\_\_

Purchaser.

Home Address \_\_\_\_\_

"Any person signing or delivering any false statement for the purpose of avoiding sales tax or any part thereof shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not to exceed \$100.00 or imprisonment in the County Jail for not to exceed thirty days, or both.

"Any retailer making any such sale exempt in whole or in part from sales tax shall file the purchaser's statement with the Tax Commissioner upon making his tax return, and no exemption shall be granted upon any sale unless such purchaser's statement, completed in every detail, shall be filed. Any retailer who shall knowingly file with the Tax Commissioner, false or fraudulent statement for the purpose of securing an exemption from sales tax in whole or in part, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not to exceed \$100.00 or imprisonment in the County Jail for not to exceed thirty days, or both."

9. On page 5, Section 4, in line 8 strike out the language "business or occupation" and insert the words "or article" in lieu thereof.

10. On page 6, Section 5, in line 6 after the word "needy" insert a semi-colon.

11. On page 6, at line 15, strike out the word "quarterly" and insert in lieu thereof the word "monthly".

12. On page 7, Section 6 at line 1, strike out the comma after "shall" and the language as far as "practicable" and the comma after that word.

13. On page 8, Section 9 at line 2 strike out the figures "20th" and insert the figures "10th"; and in line 3 of the same section strike out the word "quarterly" and insert the word "monthly"; and in line 4 strike out the figures "20th" and insert the figures "10th". In line 5 strike out the word "quarterly" and insert the word "monthly". In line 6 strike out the word "quarterly" and insert the word "monthly".

14. On page 9, line 22, Section 9, strike out the word "quarterly" and insert the word "monthly" in lieu thereof.

15. On page 9, Section 10, line 4, strike out the figures "20th" and insert in lieu thereof the figures "10th"; and in line 5 strike out the word "quarterly" and insert the word "monthly" in lieu thereof.

16. On page 10, Section 10, line 13, strike out the word "division" and insert in lieu thereof the word "act".

17. On page 11, Section 10, in line 41, after the word "Act," add the following:

5. A person purchasing outside of this state tangible personal property subject to sales tax as herein provided shall

be required to remit to the state said sales tax on said purchase within sixty days from the date of such purchase; provided, however, that if such purchaser adduces to the Commissioner satisfactory evidence that the sales tax on such purchase has been paid by or for him to the state where the purchase was made, then the purchaser shall be given credit by the Commissioner in whole or in part on the sales tax due this state for the amount of sales tax so paid to the state where the purchase was made, and if the amount of sales tax paid by him or for him thereon in the state of purchase equals or exceeds the amount that would otherwise be due this state thereon for sales tax at the rate herein provided, then said purchase shall be exempt from said tax in this state, otherwise credit shall be given only for the amount so paid on the tax that would be due this state at the rate herein provided.

6. An action for the collection of tax due under this Act may be maintained by the state against the retailer and the purchaser either separately or jointly, and for all purposes the purchaser shall be considered as the tax debtor, and judgment in such action may be entered against both or either of them, provided however, that if the purchaser establishes by competent evidence that he has paid to the retailer the tax involved in said action, then the action shall be dismissed as against the purchaser with costs to be taxed as part of the cost to the prevailing party in the action; and in case judgment is entered against the purchaser he shall be subject to the same penalties and interest as now provided by law for failure of the retailer to report or remit said tax.

7. Remittance on account of tax due under this Act shall be deemed or considered payment thereof unless or until the Commissioner shall have collected or received the amount due for such tax in cash or equivalent credit.

18. On page 11, in Section 11, at line 2, strike out the following language "Thirty days after the effective date of this Act", also the comma after "Act", and make the letter "i" in "it" a capital "I".

On page 17, Section 15, at line 36, add a new paragraph "5" as follows:

"5. Any person failing to comply with any of the provisions of this Act, or failing to remit within the time herein provided to the state the tax due on any sale or purchase of tangible personal property subject to said sales tax, shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail not exceeding six months or by a fine not exceeding five hundred dollars, or by both such fine or imprisonment at the discretion of the court. This criminal liability shall be cumulative and in addition to the civil liability for penalties hereinbefore provided".

20. On page 22, in Section 22, in line 4, strike out the word "Treasurer" and insert in lieu thereof the word "Auditor".



21. On page 23, Section 25, in line 13, after the comma after the second word "time", insert the following: "between the effective date of this Act and June 30th, 1939"; and in line 14, after the word "of", insert the words "not to exceed"; and in the same line, strike out the words "per annum".

22. On page 23, Section 25, in line 17, after the word "law", insert the following: "including those authorized and required by Section 6 of Chapter 221, Session Laws of 1935".

23. On page 23 at line 24 after the comma after the second word "time", insert the following: "between the effective date of this Act and June 30th, 1939", and in line 25 after the word "of", insert the words "not to exceed"; and in lines 26 and 27, strike out the following: "for the year 1937, and the sum of \$\_\_\_\_\_ for the year 1938,".

24. On page 24, Section 25, after line 51, insert a new "Section 26" to read as follows:

"Section 26. All moneys now in the retail sales tax fund created by Chapter 276, Laws of 1935, or collected under said Chapter, are hereby appropriated and transferred into the retail sales tax fund created by this Act and shall be allocated and used as herein provided".

25. In line 1 of Section 26, change the figure "6" to "7".

26. In line 14, page 23, in the blank space after the sign "\$", insert the figures "2,500,000". In line 26, page 23, in the blank space after the sign "\$", insert the figures "3,500,000".

And when so amended recommend the same do pass.

J. K. BROSTUEN  
 W. J. TROUT  
 O. E. BILDEN  
 AXEL OLSON  
 WILLIAM KAMRATH  
 OLE ETTESTAD  
 GUST WOG  
 ED. GREENE  
 J. K. BROSTUEN,  
 Chairman.

Senator Brostuen moved that the amendments be printed in the Journal and not read from the desk.

Which motion prevailed.

Senator Brostuen moved that the report of the majority be adopted.

Senator Fowler, moved, as a substitute motion, that the report of the minority be substituted for the report of the majority.

Roll call demanded and granted.

## ROLL CALL

The question being on the adoption of the minority report on Senate Bill No. 80, the roll was called and there were ayes, 18; nays, 28; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Gilbertson	Magoffin
Cain	Gronvold	McGillic
Coffey	Guenther	Nelson, Grand Fks.
Drew	Guthrie	Strehlow
Fowler	Kroeber	Watt
Fredrickson	Low	Whelan

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Lemke	Stucke
Bilden	Lynn	Thatcher
Brostuen	Morrison	Thorson
Ettestad	Mutchler	Topp
Fine	Nelson, Barnes	Trout
Greene	Olson	Vinje
Johnson	Owings	Williams
Kamrath	Skarvold	Wog
Kolpin	Streibel	Young
Lavik		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Crandall	Hulteng	Lian

So the motion was declared lost.

The question being on the motion of Senator Brostuen that the majority report be adopted, the 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:

#### SENATE CONCURRENT RESOLUTION "J"

Was delivered to the Secretary of State at the hour of 11:30 A. M., o'clock, February 23, 1937.

WILLIAM KROEBER,  
Chairman.

#### FIRST READING OF SENATE BILLS

The Committee on Delayed Bills introduced:

Senate Bill No. 256. A Bill for an Act to Amend and Re-enact Sections 4 and 28 of Chapter 157 of the Session Laws

of North Dakota for 1927, Relating to the Occupation of Hairdressers and Cosmetologists, the Conduct of Schools for Hairdressers and Cosmetologists, and to Provide Penalties for Violation Thereof.

Senator Strehlow moved that Senate Bill No. 256 be indefinitely postponed.

Which motion lost.

Senate Bill No. 256 was referred to the Committee on Corporations.

Senators Olson and Thorson introduced:

SENATE RESOLUTION "P," Relative to Appeal to Congress to Enact Legislation Permitting Persons Now Indebted, or Who Hereafter Might Become Obligated, for Federal Seed or Feed Loan; to Discharge Such Debt by Payment in Kind, Bushel for Bushel.

Senator Thorson moved that the rules be suspended and Senate Resolution "P" be adopted, which motion prevailed, and the resolution was adopted.

Senator Thatcher moved that the Senate do now adjourn, which motion prevailed. The Senate stood adjourned.

THOMAS McDONALD,  
Secretary.

#### FIFTIETH DAY

Senate Chamber,  
Bismarck, North Dakota,  
February 23, 1937.

The Senate convened at 2:00 P. M., pursuant to adjournment, the President presiding.

Prayer by the Chaplain; Rev. Schlip, Bismarck.

Roll call: All members present except Senators Crandall and Hulteng.

Senator Gronvold moved that all absent Senators be excused, 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 bill:

Senate Bill No. 161. A Bill for an Act to Promote the Public Welfare by Providing for Assistance for Crippled Children and for Child Welfare Services.

And find the same correctly engrossed.

WILLIAM KROEBER,  
Chairman.

Senator Kroeber moved that the report be adopted, which motion prevailed, and the report was adopted.

#### MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 23, 1937.

Mr. Speaker: I have the honor to return herewith the following bill.

House Bill No. 44. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses for the Tuberculosis Sanatorium at San Haven, North Dakota.

Which the Senate has passed unchanged.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 23, 1937.

Mr. Speaker: I have the honor to return herewith the following bill:

House Bill No. 60. A Bill for an Act Making an Appropriation to Provide Funds for the Payment of a Deficit in the Office of the Commissioner of Agriculture and Labor.

Which the President has signed.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 23, 1937.

Mr. Speaker: I have the honor to return:

House Bill No. 45. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items of the School for the Deaf at Devils Lake, North Dakota.

Which the Senate has amended as shown on page 644, Senate Journal, Feb. 12, 1937.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 23, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bills:

Senate Bill No. 182. A Bill for an Act Relating to the Public Health and to the Local Control of Preventable Diseases; and to Authorize and Permit the Several Counties of the State of North Dakota, Either Separately or in Conjunction and Cooperation With One or More Contiguous Counties; to Establish and Maintain Full Time Local Health Departments in Cooperation With and Under the Direction of the State Department of Health; Provide for the Appointment of Local Boards of Health, a Full Time Local Health Officer and the Necessary Personnel of Local Health Units or Districts; Providing a Health Fund; Prescribing the Qualifications of the Health Officer and the Personnel of the Local Health Unit or District; and Providing for Their Compensation; Authorizing Local Boards of Health Organized Hereunder to Make Rules and Regulations Governing Matters Relating to the Public Health of Local Health Units or Districts and to the Control of Preventable Diseases Therein.

Also,

Senate Bill No. 194. A Bill for an Act to Regulate the Business of Selling Used Motor Vehicles by Dealers Not Residing in or Having a Permanent Place of Business in This State, and by Resident Dealers Purchasing, Handling and Selling Used Motor Vehicles Received or Acquired From Non-Resident Dealers; Requiring the Registration of All Used Motor Vehicles Brought Into This State for the Purpose of Sale to Be Registered With the Motor Vehicle Registrar, and Requiring All Such Dealers to Execute and Deliver to Each Purchaser a Bond Indemnifying the Purchaser Against Failure of Title, Breach of Warranty or Fraudulent Misrepresentation; Requiring Delivery of a Certificate of Title and Providing Penalties for the Violation of the Provisions of This Act.

Also,

Senate Bill No. 238. A Bill for an Act Providing for the Payment to the State Treasurer of All Public Monies of the State of North Dakota, and the Disbursement and Expenditure Thereof Only Upon Prior Appropriation by the Legislature, Appropriating Certain Monies, and Providing Further that Expenditures May Be Made Only Upon Warrant After Audit of Itemized Statements of All Claims Against The State, County or Other Political Subdivision, Repealing All Acts or Parts of Acts in Conflict Therewith, Declaring an Emergency and Providing a Saving Clause.

Also,

Senate Bill No. 239. A Bill for an Act Authorizing and Directing the State Historical Society of North Dakota to Sell to the United States Government Lands Acquired for Park Purposes at Arrowood Lake in Stutsman County,

North Dakota and Providing for Manner of Disposing of Funds Accruing From Said Sale, and Declaring an Emergency.

Also,

Senate Bill No. 250. A Bill for an Act to Amend and Re-enact Section 4444 and 4446 of Chapter 9 of the Supplement to the Compiled Laws of North Dakota for the Year 1913, Providing for Adoption of Minors and Adults, and Declaring an Emergency.

Also,

Senate Bill No. 243. A Bill for an Act Making an Emergency Appropriation for High School Correspondence Courses; and Declaring an Emergency.

Also,

Senate Bill No. 161. A Bill for an Act to Promote the Public Welfare by Providing for Assistance for Crippled Children and for Child Welfare Services.

Also,

Senate Bill No. 226. A Bill for an Act Amending and Re-enacting Section 69 of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, Relating to Printing of Popular and Authenticated Editions of the Session Laws, Reducing Numbers of Copies of Popular Editions Required to Be Printed, and Repealing All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Also,

Senate Bill No. 254. A Bill for an Act to Amend and Re-enact Section 2 and to Repeal Sections 3 and 4 of Chapter 138 of the North Dakota Session Laws for the Year 1929, Entitled "An Act to Provide for the Storage of Grain Upon Farms and on or Near Railway Rights-of-Way Within the State of North Dakota; Regulating the Same for the Purpose of Procuring Loans Upon Such Grain; Making Provisions for the Issuance of Negotiable Warehouse Certificates Upon Grain so Stored, Not in a Public Warehouse; Creating the Office of 'Grain Storage Commissioner of North Dakota,' Prescribing His Duties and Empowering Him to Make Rules and Regulations Necessary or Advisable to the Purposes of Such Act; Prescribing Penalties for the Violation of the Provisions Thereof; and Repealing All Acts or Parts of Acts in Conflict Therewith.

Also,

Senate Bill No. 180. A Bill for an Act Providing for a Compact Between the States of Minnesota, South Dakota and North Dakota, Authorizing the Creation of a Tristate Waters Commission With Power to Supervise the Utilization and Control of the Waters of That Portion of the Drainage Basin of the Red River of the North Lying Within Minnesota, South Dakota and North Dakota.

Which the Senate has passed and your favorable consideration is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary,

#### REPORT OF COMMITTEE ON REVISION AND CORRECTION OF THE JOURNAL

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 Forty-seventh Day after Recess and Forty-ninth Day and recommend that the same be corrected as follows:

On page 971, line 18, strike out the words "pages 6 and 7 of the original bill" and insert in lieu thereof the following: "page 887 of the Senate Journal."

On page 972, line 20, strike out the word "being" and insert the word "was".

And when so corrected recommend that the same be approved.

C. C. MORRISON,  
Chairman.

Senator Morrison moved that the report be adopted, which motion prevailed and the report was adopted.

#### PETITIONS AND COMMUNICATIONS

The following petitions and communications were received, read from the desk, and referred to the appropriate committees:

A communication addressed to Senator Wog, urging re-enactment of House Bill No. 168 known as the School Equalization Bill.

A petition signed by 20 voters of Zahl urging passage of House Bill No. 168 unless there was a measure containing better provisions for the schools that might be passed.

A similar communication signed by the school officials of Inkster.

A petition signed by 26 electors of Van Hook asking passage of County Option bill, legislation to prohibit liquor sale in dance halls and defeat of bill to repeal law prohibiting hard liquor advertising.

A petition signed by 23 citizens of Mountrail county asking passage of a resolution memorializing Congress to provide farmers with seed grain to be repaid in the fall, in kind, bushel for bushel.

## MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
February 23, 1937.

Mr. President: I have the honor to transmit herewith the following bills:

House Bill No. 116. A Bill for an Act to Amend and Re-enact Sections 189b1 to 189b30, Inclusive, of the 1925 Supplement to the Compiled Laws of North Dakota, as Amended; Relating to State Hail Insurance; Providing for Compulsory State Hail Insurance; Levying a Flat Hail Insurance Tax of One Cent on Each Acre of Tillable Land in North Dakota; Providing for the Levy and Collection of an Indemnity Tax Upon Insured Lands, Fixing the Amounts and Providing for Adjustment of Claims of Indemnity; Defining the Duties of Assessors, Auditors and Treasurers; Abatement of Hail Indemnity Tax and Correction of Records; Providing for Special State Hail Insurance; Repealing All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Also,

House Bill No. 228. A Bill for an Act Amending and Re-enacting Section 3836 of the Compiled Laws of North Dakota for 1913, Providing for Initiating and Enacting Into Law City Ordinance by Petition and Vote of Electors of Cities Under Commission Form of Government, and Cities Organized Under the General Law and Governed by a City Council, Providing Form of Ballot, Notice of Election, Repealing All Acts in Conflict Therewith, and Declaring an Emergency.

Also,

House Bill No. 226. A Bill for an Act to Amend and Re-enact Sections 2763, 2764 and 2766 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to the Stallion Registration Board, and Repeal All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Also,

House Bill No. 275. A Bill for an Act Authorizing the County Commissioners, in an Emergency, to Destroy Noxious Weeds on Private Property at the Expense of the County; Declaring an Emergency.

Also,

House Bill No. 322. A Bill for an Act Abolishing the Agricultural Experiment Station Near Hettinger, Adams County, and Providing for Conveyance of Land Where Located and Improvements Thereon to the City of Hettinger Under Certain Conditions, Repealing Sections 1643 and 1644 of the Compiled Laws of North Dakota, 1913, and Declaring an Emergency.

Also,



House Bill No. 209. A Bill for an Act to Protect Trade Mark Owners, Distributors and the Public Against Injurious and Uneconomic Practices in the Distribution of Articles of Standard Quality Under a Distinguished Trade Mark, Brand or Name.

Also,

House Bill No. 366. A Bill for an Act to Repeal Article 6 of Chapter 63 of the Civil Code (1913 Compiled Laws of the State of North Dakota) Relating to Ship's Managers.

Also,

House Bill No. 359. A Bill for an Act to Amend and Re-enact Sections 3 of Chapter 257 of the 1933 Session Laws, Relating to Delinquency of Real Estate Taxes, Fixing Penalties; and Declaring an Emergency.

Also,

House Bill No. 352. A Bill for an Act to Amend and Re-enact Section 16, of Chapter 71, of the Session Laws of North Dakota for the Year 1933, With Respect to the Duties of the State Examiner.

Also,

House Bill No. 291. A Bill for an Act for the Protection of Health and Prevention of Fraud and Deception in Cosmetics; for the Prevention of Adulteration, Misbranding and False Advertising Thereof; Requiring Labeling Thereof; Providing for the Enforcement of the Provisions of the Act; and to Provide Penalties for the Violation Thereof.

Also,

#### HOUSE CONCURRENT RESOLUTION "W".

Which the House has passed and your favorable consideration is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 252. A Bill for an Act to Amend and Re-enact Section 2, of Chapter 274, of the Session Laws of North Dakota for the Year 1935, Relating to the Deduction of Delinquent Personal Property Taxes from Salaries or Other Compensation of Elective and Appointive Officers, Agents and Employees of the State of North Dakota, All Bureaus, Boards, Commissions and Departments, and All Persons Receiving Public Funds and Extending the Application Thereof to Persons Receiving, Claiming or Demanding Money from Municipalities and Political Sub-divisions Within the State.

Was read the second time.

Senator Blaisdell moved that Senate Bill No. 252 be amended as follows:

At the end of the bill, following the word "funds" strike out the period, insert a comma, and add the following:

"Provided, however, that in any case where the item or items amount to ten dollars or less, this act shall not apply".

Which motion prevailed.

Senator Blaisdell moved that the rules be suspended and Senate Bill No. 252 be considered properly re-engrossed, and placed upon Second Reading and Final Passage, as amended, 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, 36; nays, 10; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Nelson, Grand Fks.
Bilden	Guthrie	Strehlow
Blaisdell	Kolpin	Stucke
Brostuen	Kroeber	Thorson
Cain	Lavik	Topp
Coffey	Lian	Trout
Drew	Lowe	Vinje
Fine	Lynn	Watt
Fowler	Magoffin	Whelan
Fredrickson	McGillic	Williams
Greene	Mutchler	Wog
Gronvold	Nelson, Barnes	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Ettestad	Morrison	Skarvold
Gilbertson	Olson	Streibel
Kamrath	Owings	Thatcher
Lemke		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Crandall	Hulteng	Johnson

So the bill passed and the title was agreed to.

Senator Blaisdell moved that the vote by which Senate Bill No. 252 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 En-grossment respectfully report that they have examined the following bill:

Senate Bill No. 183. A Bill for an Act to Authorize and Empower the Public Welfare Board to Borrow Money from the Bank of North Dakota, and Declaring an Emergency.

And find the same correctly engrossed.

WILLIAM KROEBER,  
Chairman.

Senator Kroeber moved that the report be adopted, which motion prevailed, and the report was adopted.

The Senate had under consideration Senate Bill No. 187.

Senator Strehlow moved the adoption of the amendment appearing on page 932 of the Senate Journal.

Roll call demanded and granted.

#### ROLL CALL

The question being on the adoption of the amendment, the roll was called and there were ayes, 20; nays, 25; absent and not voting, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Cain	Guenther	Strehlow
Coffey	Guthrie	Topp
Drew	Johnson	Trout
Fowler	Lowe	Watt
Fredrickson	Lynn	Whelan
Gilbertson	Magoffin	Young
Gronvold	McGillic	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Lavik	Skarvold
Bilden	Lemke	Streibel
Brostuen	Lian	Stucke
Ettestad	Morrison	Thatcher
Fine	Mutchler	Thorson
Greene	Nelson, Barnes	Vinje
Kamrath	Olson	Williams
Kolpin	Owings	Wog
Kroeber		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Blaisdell	Hulteng	Nelson, Grand Fks.
Crandall		

So the amendment was defeated.

The President called Senator Wog, president pro tem, to the chair.

## SECOND READING OF SENATE BILLS

Senate Bill No. 187. A Bill for an Act Providing for Establishing, on Petition, of Temporary and Permanent Farm and Rural Home Advisory Councils, Under Whose Guidance Shall Be Conducted Agricultural, Home Economics and 4-H Club Programs, Providing for the Levy of an Annual Tax Therefor and for Term of Office of Council, Manner of Creating and Provision for Traveling Expense of Permanent Council, for the Appointment of Extension Agents, the Budgeting of Expenses and for Procedure to Discontinue Levy for Agricultural, Home Economics, and 4-H Club Programs in Any County, Providing for Applicability of This Act to Counties Where the County Extension Work Has Been Provided and is Being Conducted Under the Statutes in Force Prior to the Enactment of This Act, and for the Discontinuance in Such Counties Within a Fixed Period of the County Work so Performed Under Former Statutes, and Repealing Section 3259A of the 1925 Supplement to the Compiled Laws of 1913 and All Acts or Parts of Acts in Conflict Herewith.

Was read the second time.

Senator Johnson moved that Senate Bill No. 187 be amended as follows:

Strike out the first seven lines of Section one of the amendment found on Page 824 of the Journal and insert in lieu thereof the following:

"Section 1. ADVISORY COUNCIL—HOW ELECTED.) After the passage of this Act, the Cooperative Extension Department of the Agricultural College, together with the Board of County Commissioners for each county maintaining a county agent in accordance with the provisions of Section 3259a of the Supplement to the Compiled Laws of 1913, shall zone each of such counties of the state into six (6) zones containing as nearly equal a number of townships as is feasible in each zone. The Board of County Commissioners of each such county shall call once a year,".

Which motion prevailed.

Senator Watt moved that Senate Bill No. 187 be further amended as follows:

On page 825 of the Senate Journal, line 13, after the word "shall", insert the following words "per diem and".

Which motion prevailed.

Senator Ettestad moved that Senate Bill No. 187 be further amended as follows:

In Section 3, line 3, following the word "county", insert the words "employing a county agent".

Which motion prevailed.

Senator Johnson moved that the rules be suspended and

Senate Bill No. 187 be considered properly re-engrossed, and placed upon Second Reading and Final Passage as amended, which motion prevailed.

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, 0; absent and not voting, 10.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Skarvold
Bilden	Kolpin	Strehlow
Blaisdell	Lavik	Streibel
Drew	Lemke	Stucke
Ettestad	Lowe	Thatcher
Fine	Lynn	Thorson
Fowler	Magoffin	Topp
Fredrickson	McGillic	Vinje
Gilbertson	Morrison	Watt
Greene	Mutchler	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Olson	Wog
Guthrie	Owings	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Hulteng	Lian
Cain	Kamrath	Nelson, Grand Fks.
Coffey	Kroeber	Trout
Crandall		

So the bill passed and the title was agreed to.

Senator Thorson moved that the vote by which Senate Bill No. 187 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The President resumed the chair.

Senate Bill No. 82. A Bill for an Act Declaring the Law of the State of North Dakota With Reference to the Extent to Which Lands Used and Usable for Farming and Ranching Purposes in This State May Lawfully Be Charged With Tax Obligations, and Providing for an Over-all Limitation on the Tax Charges in Money Which May Lawfully Be Spread Against Such Lands, and Providing a Remedy for Past and Future Excessive Charges, 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, 21; nays, 23; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Morrison	Thatcher
Fine	Mutchler	Thorson
Greene	Olson	Topp
Kamrath	Owings	Whelan
Kroeber	Skarvold	Williams
Lemke	Streibel	Wog
Lynn	Stucke	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Fredrickson	Magoffin
Blaisdell	Gilbertson	McGillic
Brostuen	Gronvold	Nelson, Barnes
Cain	Guenther	Nelson, Grand Fks.
Coffey	Guthrie	Strehlow
Drew	Johnson	Vinje
Ettestad	Kolpin	Watt
Fowler	Lavik	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Crandall	Lian	Trout
Hulteng	Lowe	

So the bill lost.

Senator Gilbertson moved that the vote by which Senate Bill No. 82 was lost be reconsidered and the motion to reconsider be laid on the table.

Which motion lost.

Senator Thorson moved that the Senate do now recess for five minutes.

Which motion prevailed.

The Senate reconvened pursuant to recess taken.

The President called Senator Strehlow to the chair.

Senator Whelan moved that the Senate reconsider the vote by which Senate Bill No. 233 was indefinitely postponed, which motion was lost.

Senate Bill No. 120. A Bill for an Act Providing for the Supervision and Regulation by the Board of Railroad Commissioners of the State of North Dakota, of the Transportation of Persons and Property Over North Dakota Public Highways by Motor Propelled Vehicles, Defining and Classifying Transportation by Motor Propelled Vehicles Affected Hereby and Providing for the Enforcement of the Provisions of this Act and for Penalties for the Violation Thereof, Repealing All of Section 2976V1 to 2976V16 Inclusive, Being

Article 55b of Chapter 38 of the Political Code of the State of North Dakota of the 1925 Supplement to the 1913 Compiled Laws of the State of North Dakota, and Chapter 90 of the Session Laws of 1927; Chapter 148 of the Session Laws of 1929; Chapter 188 of the Session Laws of 1931; Chapter 164 of the Session Laws of 1933; Chapter 179 of the Session Laws of 1935, and Chapter 182 of the Session Laws of 1935; and All Other Acts or Parts of Acts in Conflict With This Act, and Declaring an Emergency.

Was read the second time.

Senator Fine moved that Senate Bill No. 120 be amended as follows:

On page 13 of the printed bill, line 38, following the word "dams", insert the following: "This Act shall not be construed to apply to motor vehicles controlled and operated by cooperative associations, as defined in the Agricultural Marketing Act, Approved June 15, 1929, as amended."

Which motion was lost.

Senator Olson moved that further consideration of Senate Bill No. 120 be indefinitely postponed.

Roll call demanded and granted.

#### ROLL CALL

The question being on the motion to indefinitely postpone Senate Bill No. 120, the roll was called and there were ayes, 19; nays, 27; absent and not voting 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Blaisdell	McGillic	Streibel
Fine	Morrison	Stucke
Greene	Mutchler	Thorson
Gronvold	Olson	Topp
Kolpin	Owings	Trout
Lavik	Skarvold	Williams
Lemke		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Nelson, Barnes
Bilden	Guthrie	Nelson, Grand Fks.
Brostuen	Johnson	Strehlow
Cain	Kamrath	Thatcher
Drew	Kroeber	Vinje
Ettestad	Lian	Watt
Fowler	Lowe	Whelan
Fredrickson	Lynn	Wog
Gilbertson	Magoffin	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Coffey	Crandall	Hulteng

So the motion was lost.

## ROLL CALL

The question being on the final passage of Senate Bill No. 120, as amended, the roll was called and there were ayes, 26; nays, 20; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Gronvold	Nelson, Barnes
Bilden	Guenther	Nelson, Grand Fks.
Brostuen	Guthrie	Strehlow
Cain	Kamrath	Thatcher
Drew	Kroeber	Vinje
Ettestad	Lian	Watt
Fowler	Lowe	Whelan
Fredrickson	Lynn	Wog
Gilbertson	Magoffin	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Blaisdell	McGillic	Stucke
Fine	Morrison	Thorson
Greene	Mutchler	Topp
Johnson	Olson	Trout
Kolpin	Owings	Williams
Lavik	Skarvold	Young
Lemke	Streibel	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Coffey	Crandall	Hulteng

So the bill passed and the title was agreed to, and the emergency clause was declared lost.

Senator Gilbertson moved that the vote by which Senate Bill No. 120 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The President resumed the chair.

Senate Bill No. 79. A Bill for an Act Providing for the Regulation, Supervision and Control of the Transportation of Persons and Property by Motor Vehicles Upon the Public Highways of This State, and Prescribing Compensation to Be Paid for the Unusual Use of Such Highways, and Providing for the Disposition of Funds Derived Hereunder, and Providing for the Administration Hereof, and Repealing All Acts in Conflict Herewith.

Was read the second time.

Senator Kolpin moved that Senate Bill No. 79 be further amended as follows:



On page 869 of the Senate Journal, in former amendment to the bill, strike out the words "the local market of such farmer" and insert the words "and from any market".

Which motion prevailed.

Senator Fine moved that Senate Bill No. 79 be amended as follows:

On page 5 of the printed bill, at end of line 75, following the word dams, insert the following: "This Act shall not be construed to apply to motor vehicles controlled and operated by cooperative associations, as defined in the Agricultural Marketing Act, Approved June 15, 1929, as amended."

Roll call demanded and granted.

#### ROLL CALL

The question being on adoption of the amendment of Senator Fine, the roll was called and there were ayes, 30; nays, 17; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Kolpin	Skarvold
Blaisdell	Lavik	Streibel
Brostuen	Lemke	Stucke
Coffey	Lian	Thorson
Ettestad	McGillic	Topp
Fine	Morrison	Trout
Greene	Mutchler	Vinje
Gronvold	Nelson, Barnes	Williams
Johnson	Olson	Wog
Kamrath	Owings	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Nelson, Grand Fks.
Cain	Guthrie	Strehlow
Drew	Kroeber	Thatcher
Fowler	Lowe	Watt
Fredrickson	Lynn	Whelan
Gilbertson	Magoffin	

Absent and not voting:

Messrs.	Messrs.
Crandall	Hulteng

So the amendment was declared adopted.

Senator Watt moved that Senate Bill No. 79 be further amended as follows:

At the end of Section 8 of the engrossed bill, after the word and figure "January 1" strike out the period, insert a comma and add the following: "provided, however, that the cost of administration of this department shall not exceed \$40,000

per annum, and that they shall submit their budget to the budget board and receive their appropriation from the Legislature.

Senator Fine moved that Senate Bill No. 79 be further amended as follows:

On page 10, line 14, strike out the word "annual".

At end of line 16, strike out the period, insert a comma, and add the following: "Such compensation to be proportional to the period such vehicles are in use in any one year."

Which motion prevailed.

Senator Wog moved that the rules be suspended and Senate Bill No. 79 be considered properly re-engrossed, and placed upon Second Reading and Final Passage, as amended.

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, 19; nays, 28; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Fredrickson	Nelson, Barnes
Bilden	Gilbertson	Stucke
Brostuen	Kroeber	Thatcher
Cain	Lian	Watt
Drew	Lynn	Whelan
Ettestad	Magoffin	Wog
Fowler		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Lavik	Skarvold
Coffey	Lemke	Strehlow
Fine	Lowe	Streibel
Greene	McGillic	Thorson
Gronvold	Morrison	Topp
Guenther	Mutchler	Trout
Guthrie	Nelson, Grand Fks.	Vinje
Johnson	Olson	Williams
Kamrath	Owings	Young
Kolpin		

Absent and not voting:

Messrs.	Messrs.
Crandall	Hulteng

So the bill lost.

Senator Blaisdell moved that the vote by which Senate

Bill No. 79 was lost 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. 252. A Bill for an Act to Amend and Re-enact Section 2, of Chapter 274, of the Session Laws of North Dakota for the Year 1935, Relating to the Deduction of Delinquent Personal Property Taxes from Salaries or Other Compensation of Elective and Appointive Officers, Agents and Employees of the State of North Dakota, All Bureaus, Boards, Commissions and Departments, and All Persons Receiving Public Funds and Extending the Application Thereof to Persons Receiving, Claiming or Demanding Money from Municipalities and Political Sub-divisions Within the State.

Also,

Senate Bill No. 255. A Bill for an Act Relating the Introduction and Printing of Bills and Providing for an Official Seal for Each Branch of the Legislative Assembly; Repealing Section 52 of the Compiled Laws of 1913 and All Acts and Parts of Acts in Conflict Herewith.

And find the same correctly engrossed.

WILLIAM KROEBER,  
Chairman.

Senator Kroeber moved that the report be adopted, which motion prevailed, and the report was adopted.

Senate Bill No. 204. A Bill for an Act to Amend and Re-enact Chapter 98 of the Session Laws of North Dakota for the Year 1935, Entitled as Follows: "An Act to Amend and Re-enact Section Six (6) of That Certain Initiated Law Adopted by the Voters of the State of North Dakota at the Special Election Held September 22, 1933, Entitled as Follows: "An Act Defining and Providing for the Manufacture, Sale and Distribution of Beer, Providing Revenue Therefrom, and Licenses Therefor, Prohibiting the Transfer of Licenses, Excluding Certain Persons from the Right to Purchase the Same, Appointing a State Beer Commissioner and Defining His Powers, Duties, and Salary, Authorizing Cities, Villages and County Commissioners to Provide a Local Tax and Prescribe Rules and Regulations Under Which Beer May Be Sold and Authorizing Municipalities to Provide Penalties for Violation of Their Regulations; Providing for the Administrative Expense of This Act; Making It Un-

lawful for Any Person to Engage in the Manufacture or Sale of Beer Without First Obtaining a License Therefor; Providing a Penalty for the Violation of the Provision Thereof; Providing for a Saving Clause as to Constitutionality; and Repealing Senate Bill No. 263, Passed by the 23rd Legislative Assembly of the State of North Dakota, and All Acts or Parts of Acts in Conflict With This Act, and Making an Appropriation to Carry Out the Provisions Thereof," and Declaring an Emergency."

Was read the second time.

Senator Johnson moved that Senate Bill No. 204 be amended as follows:

On page 3 of the printed bill, Section 1, strike out lines 25 to 31, inclusive, and insert in lieu thereof the following: "provided, however, that the net amount of moneys received and collected under this Act between the first day of April, 1937, and the first day of April, 1939, after the payment of the expenses of administering this Act, shall be credited by the State Treasurer to the State Public Welfare Fund for use by the Public Welfare Board in carrying out the duties and powers imposed upon it by law."

Strike out all of Section 2 and renumber the following sections.

Roll call demanded and granted.

### ROLL CALL

The question being on the amendment to Senate Bill No. 204, the roll was called and there were ayes, 36; nays, 9; absent and not voting, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Johnson	Skarvold
Blaisdell	Kolpin	Strehlow
Brostuen	Kroeber	Streibel
Cain	Lavik	Stucke
Drew	Lemke	Thatcher
Ettestad	Lian	Thorson
Fine	McGillic	Topp
Fowler	Mutchler	Vinje
Fredrickson	Nelson, Barnes	Watt
Gilbertson	Nelson, Grand Fks.	Whelan
Gronvold	Olson	Wog
Guenther	Owings	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Magoffin
Greene	Lowe	Morrison
Guthrie	Lynn	Trout

Absent and not voting:

Messrs.	Messrs.	Messrs.
Coffey	Hulteng	Williams
Crandall		

So the motion was declared carried.

Senator Johnson moved that the rules be suspended and Senate Bill No. 204 be considered properly re-engrossed, and placed upon Second Reading and Final Passage as amended, which motion prevailed.

### ROLL CALL

The question being on the final passage of Senate Bill No. 204, as amended, the roll was called and there were ayes, 26; nays, 20; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Lavik	Thorson
Brostuen	Lian	Topp
Cain	Magoffin	Trout
Drew	McGillic	Vinje
Ettestad	Mutchler	Watt
Fine	Nelson, Barnes	Whelan
Guenther	Skarvold	Wog
Johnson	Strehlow	Young
Kolpin	Thatcher	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Gronvold	Morrison
Bilden	Guthrie	Nelson, Grand Fks.
Coffey	Kamrath	Olson
Fowler	Kroeber	Owings
Fredrickson	Lemke	Streibel
Gilbertson	Lowe	Stucke
Greene	Lynn	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Crandall	Hulteng	Williams

So the bill was declared lost for lack of a two-thirds vote.

Senate Bill No. 23. A Bill for an Act to Amend and Re-enact Sections 2, 3 and 8 of Chapter 135, of the Session Laws of 1935, Relating to the Election of Presidential Electors, Precinct Committeemen; Delegates to National Conventions, National Committeemen and Committeewomen; for organization of County and State Committees, of Political Parties.

Was read the second time.

Senator Johnson moved that Senate Bill No. 23 be amended as follows:

Strike out all of Section 2 and insert the following:

"Section 2.) Each political party in each voting precinct in the State shall be entitled to elect one precinct committeeman for each 400 votes or major fraction thereof, cast in such precinct at the last preceding primary election for all candidates for Governor of such party; provided that each precinct shall be entitled to at least one precinct committeeman for each recognized political party. All precinct committeemen shall be electors of their precinct and shall be elected to serve for a term of two years and until their successor is elected and qualified".

Senator Whelan moved to amend Senator Johnson's amendment by striking out the figures "400" and inserting the figures "250", which motion prevailed.

Senator Olson moved to amend Senate Bill No. 23 as follows:

In Section 3, line 16, beginning with the word "the", strike out balance of section.

Which motion prevailed.

Senator Olson moved that Senate Bill No. 23 be amended as follows:

In line 11 of Section 4, strike out the words: "who are legal voters" and insert the words "chosen from the county committee".

Which motion prevailed.

Senator Blaisdell moved that the rules be suspended and Senate Bill No. 23 be considered properly re-engrossed, and placed upon Second Reading and Final Passage as amended, which motion prevailed.

### ROLL CALL

The question being on the final passage of Senate Bill No. 23, as amended, the roll was called and there were ayes, 29; nays, 18; absent and not voting 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Kroeber	Skarvold
Brostuen	Lavik	Stucke
Cain	Lian	Thatcher
Fine	Lowe	Topp
Fowler	Lynn	Watt
Gilbertson	Magoffin	Whelan
Gronvold	Morrison	Williams
Guenther	Mutchler	Wog
Johnson	Nelson, Barnes	Young
Kolpin	Nelson, Grand Fks.	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Greene	Owings
Bilden	Guthrie	Strehlow
Coffey	Kamrath	Streibel
Drew	Lemke	Thorson
Ettestad	McGillic	Trout
Fredrickson	Olson	Vinje

Absent and not voting:

Messrs.	Messrs.
Crandall	Hulteng

So the bill passed and the title was agreed to.

Senator Johnson moved that the vote by which Senate Bill No. 23 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 70. A Bill for an Act Providing for and Relating to the Taxation of Income of Individuals, Fiduciaries and Corporations; Prescribing the Rates Which Shall Be Paid with Respect to Net Income as Defined in Article 35 of Chapter 34 of Political Code of the Supplement to the Compiled Laws of 1913 and Acts Amendatory Thereof; Providing When Losses May Be Deducted; Providing for Exemptions and Credit Upon Tax; Providing for Date of Effect and to Amend and Re-enact Section 2346a25 of the Supplement to the Compiled Laws of 1913; Providing for the Repeal of Paragraph (b) of Sub-section 4 of Section 6 of Chapter 283 of the 1931 Session Laws and All Other Acts or Parts of Acts in Conflict Herewith.

Was read the second time.

Senator Drew moved that Senate Bill No. 70 be amended as follows:

Beginning with the word "provided" in line 6 of Section 2 of the printed bill, strike out the balance of line 6, all of lines 7 and 8, and up to and including the word "business" in line 9.

Which motion was lost.

### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 27; nays, 19; absent and not voting 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kolpin	Owings
Bilden	Lavik	Skarvold
Brostuen	Lemke	Streibel

Messrs.	Messrs.	Messrs.
Ettestad	Lian	Stucke
Fine	Magoffin	Thatcher
Greene	McGillic	Trout
Guthrie	Morrison	Vinje
Johnson	Nelson, Barnes	Williams
Kamrath	Olson	Wog

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Guenther	Strehlow
Cain	Kroeber	Thorson
Coffey	Lowe	Topp
Drew	Lynn	Watt
Fowler	Mutchler	Whelan
Fredrickson	Nelson, Grand Fks.	Young
Gronvold		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Crandall	Gilbertson	Hulteng

So the bill passed and the title was agreed to, and the emergency clause was declared lost.

Senator Whelan moved that the vote by which Senate Bill No. 70 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 183. A Bill for an Act to Authorize and Empower the Public Welfare Board to Borrow Money from the Bank of North Dakota, 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, 25; nays, 20; absent and not voting, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Kolpin	Nelson, Grand Fks.
Brostuen	Lemke	Olson
Coffey	Lian	Strehlow
Ettestad	Lowe	Thatcher
Fowler	Lynn	Topp
Fredrickson	Magoffin	Vinje
Guenther	McGillic	Wog
Guthrie	Nelson, Barnes	Young
Kamrath		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Kroeber	Stucke
Cain	Lavik	Thorson



Messrs.	Messrs.	Messrs.
Drew	Morrison	Trout
Fine	Mutchler	Watt
Greene	Owings	Whelan
Gronvold	Skarvold	Williams
Johnson	Streibel	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Gilbertson	Hulteng
Crandall		

So the bill passed and the title was agreed to, and the emergency clause was declared lost.

Senator Whelan moved that the vote by which Senate Bill No. 183 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 240. A Bill for an Act to Amend and Re-enact Section 5235a1 of the 1925 Supplement to the Compiled Laws of North Dakota 1913 Relating to the Securities Commission, and Making the State Examiner Ex-officio Secretary of That Commission, 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, 24; nays, 20; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kolpin	Thatcher
Brostuen	Kroeber	Topp
Coffey	Lavik	Trout
Ettestad	Lemke	Watt
Fowler	Lowe	Whelan
Fredrickson	Magoffin	Williams
Guenther	Nelson, Barnes	Wog
Guthrie	Strehlow	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Kamrath	Olson
Cain	Lian	Owings
Drew	Lynn	Skarvold
Fine	McGillic	Streibel
Greene	Morrison	Stucke
Gronvold	Mutchler	Thorson
Johnson	Nelson, Grand Fks.	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Gilbertson	Vinje
Crandall	Hulteng	

So the bill was declared lost for want of a constitutional majority.

Senator Thorson moved that the vote by which Senate Bill No. 240 was lost be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Johnson moved that further consideration of Senate Bill No. 241 be indefinitely postponed.

Which motion prevailed.

Senate Bill No. 245. A Bill for an Act Directing the Board of Railroad Commissioners to Test Electric Meters of Electric Utility Companies and Gas Meters of Gas Utility Companies, and to Determine the Heat Values of Natural and/or Artificial Gas Distributed by Public Gas Utility Companies, and Making an Appropriation for Testing Equipment 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, 38; nays, 7; absent and not voting, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Olson
Bilden	Kamrath	Owings
Blaisdell	Kolpin	Skarvold
Brostuen	Lavik	Strehlow
Drew	Lemke	Streibel
Ettestad	Lian	Stucke
Fine	Lynn	Thatcher
Fowler	Magoffin	Thorson
Fredrickson	McGillic	Whelan
Greene	Morrison	Williams
Gronvold	Mutchler	Wog
Guenther	Nelson, Barnes	Young
Guthrie	Nelson, Grand Fks.	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Cain	Lowe	Trout
Coffey	Topp	Watt
Kroeber		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Crandall	Hulteng	Vinje
Gilbertson		

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Senator Whelan moved that the vote by which Senate Bill No. 245 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bills No. 253, 255, 163 and 80 were read the second time and further consideration deferred until tomorrow.

#### FIRST READING OF HOUSE BILLS

House Bill No. 116. A Bill for an Act to Amend and Re-enact Sections 189b1 to 189b30, Inclusive, of the 1925 Supplement to the Compiled Laws of North Dakota, as Amended; Relating to State Hail Insurance; Providing for Compulsory State Hail Insurance; Levying a Flat Hail Insurance Tax of One Cent on Each Acre of Tillable Land in North Dakota; Providing for the Levy and Collection of an Indemnity Tax Upon Insured Lands, Fixing the Amounts and Providing for Adjustment of Claims of Indemnity; Defining the Duties of Assessors, Auditors and Treasurers; Abatement of Hail Indemnity Tax and Correction of Records; Providing for Special State Hail Insurance; Repealing All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Was read the first time and referred to the Committee on Insurance.

House Bill No. 228. A Bill for an Act Amending and Re-enacting Section 3836 of the Compiled Laws of North Dakota for 1913, Providing for Initiating and Enacting Into Law City Ordinance by Petition and Vote of Electors of Cities Under Commission Form of Government, and Cities Organized Under the General Law and Governed by a City Council, Providing Form of Ballot, Notice of Election, Repealing All Acts in Conflict Therewith, and Declaring an Emergency.

Was read the first time and referred to the Committee on Corporations.

House Bill No. 226. A Bill for an Act to Amend and Re-enact Sections 2763, 2764 and 2766 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to the Stallion Registration Board, and Repeal All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Was read the first time and referred to the Committee on Agriculture.

House Bill No. 275. A Bill for an Act Authorizing the

County Commissioners, in an Emergency, to Destroy Noxious Weeds on Private Property at the Expense of the County; Declaring an Emergency.

Was read the first time and referred to the Committee on Counties.

House Bill No. 322. A Bill for an Act Abolishing the Agricultural Experiment Station Near Hettinger, Adams County, and Providing for Conveyance of Land Where Located and Improvements Thereon to the City of Hettinger Under Certain Conditions, Repealing Sections 1643 and 1644 of the Compiled Laws of North Dakota, 1913, and Declaring an Emergency.

Was read the first time and referred to the Committee on Agriculture.

House Bill No. 209. A Bill for an Act to Protect Trade Mark Owners, Distributors and the Public Against Injurious and Uneconomic Practices in the Distribution of Articles of Standard Quality Under a Distinguished Trade Mark, Brand or Name.

Was read the first time and referred to the Committee on Public Safety.

House Bill No. 366. A Bill for an Act to Repeal Article 6 of Chapter 63 of the Civil Code (1913 Compiled Laws of the State of North Dakota) Relating to Ship's Managers.

Was read the first time and referred to the Committee on State Affairs.

House Bill No. 359. A Bill for an Act to Amend and Re-enact Sections 3 of Chapter 257 of the 1933 Session Laws, Relating to Delinquency of Real Estate Taxes, Fixing Penalties: and Declaring an Emergency.

Was read the first time and referred to the Committee on Taxes and Tax Laws.

House Bill No. 352. A Bill for an Act to Amend and Re-enact Section 16, of Chapter 71, of the Session Laws of North Dakota for the Year 1933, With Respect to the Duties of the State Examiner.

Was read the first time and referred to the Committee on Banks and Banking.

House Bill No. 291. A Bill for an Act for the Protection of Health and Prevention of Fraud and Deception in Cosmetics; for the Prevention of Adulteration, Misbranding and False Advertising Thereof; Requiring Labeling Thereof; Providing for the Enforcement of the Provisions of the Act; and to Provide Penalties for the Violation Thereof.

Was read the first time and referred to the Committee on Public Health.

HOUSE CONCURRENT RESOLUTION "W".

Was read the first time and referred to the Committee on Judiciary.

House Bill No. 185. A Bill for an Act to Amend and Re-enact Section 3733 of the 1935 Supplement to the Compiled Laws of 1913, Relating to the Sale of Real Property to Enforce Collection of Delinquent Special Assessments, Relating to the Bidding in of Same When No Bidders at Sale, Relating to Damages to Warrant Holders When Statutory Proceedings Not Followed, Providing a Validating Clause, Making Provisions of This Bill Retroactive, Providing a Saving Clause, and Declaring an Emergency.

Was read the first time and referred to the Committee on Judiciary.

House Bill No. 150. A Bill for an Act to Amend and Re-enact Section 5, of Chapter 166, of the 1929 Session Laws of the State of North Dakota, Relating to Tax on Motor Fuels and for the Distribution of the Revenues Derived from Said Tax.

Was read the first time and referred to the Committee on Taxes and Tax Laws.

House Bill No. 89. A Bill for an Act Relating to the Administration of Insolvent Banking Institutions; Appointing the Bank of North Dakota as Liquidating Agent Therefor; Requiring Delivery of Assets to the Bank of North Dakota, Specifying Its Duties in Connection Therewith and Providing Compensation Therefor; Providing for the Appointment of Committees to Reopen and Liquidate Such Banks; and Repealing All Acts or Parts of Acts in Conflict Herewith.

Was read the first time and referred to the Committee on Banks and Banking.

House Bill No. 247. A Bill for an Act to Amend and Re-enact Section Six (6) of That Certain Initiated Law Adopted by the Voters of the State of North Dakota at the Special Election Held September 22, 1933, Entitled as Follows: "An Act Defining and Providing for the Manufacture, Sale and Distribution of Beer, Providing Revenue Therefrom, and Licenses Therefor, Prohibiting the Transfer of Licenses, Excluding Certain Persons from the Right to Purchase the Same, Appointing a State Beer Commissioner and Defining His Powers, Duties, and Salary; Authorizing Cities, Villages and County Commissioners to Provide a Local Tax and Prescribe Rules and Regulations Under Which Beer May Be Sold and Authorizing Municipalities to Provide Penalties for Violation of Their Regulations; Providing for the Administrative Expense of This Act; Making it Unlawful for Any Person to Engage in the Manufacture or Sale of Beer Without First Obtaining a License Therefor; Providing a Penalty for the Violation of the Provision Thereof; Providing for a Saving Clause as to Constitutionality; and Repealing All Acts or Parts of Act in Conflict With This Act, and Making an Appropriation to Carry Out the Provisions Hereof," and Declaring an Emergency.

Was read the first time and referred to the Committee on Temperance.

House Bill No. 204. A Bill for an Act Amending and Re-enacting Section 3274 of the 1913 Compiled Laws of North Dakota Relating to the Authority of County Commissioners to Sell County Real and Personal Property; Authorizing the County Commissioners to Reserve All or Any Part of the Oil, Gas, Coal and/or Mineral Rights in Land so Sold; Repealing All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

Was read the first time and referred to the Committee on Counties.

House Bill No. 333. A Bill for an Act Making It Unlawful for Any Officer or the Head of Any Department, Board, Bureau, Institution or Industry, to Buy, Sell, Exchange or in Any Manner Acquire or Dispose of Any Bond, Stocks, Certificates of Indebtedness, Notes, Mortgages or Other Evidence of Debt in Which Any Public Funds Have Been or May Be Invested, Without Permission of the Industrial Commission of the State of North Dakota; Providing Penalty for Violation and Declaring an Emergency.

Was read the first time and referred to the Committee on Banks and Banking.

House Bill No. 365. A Bill for an Act to Repeal Article 5 of Chapter 63 of the Civil Code (1913 Compiled Laws of the State of North Dakota) Relating to Mates and Seamen.

Was read the first time and referred to the Committee on State Affairs.

Senator Whelan moved that the Senate do now recess until 9:00 o'clock a. m., which motion prevailed.

The Senate stood recessed.

#### COURTESIES OF THE FLOOR

The courtesies of the floor were extended to: E. R. Shocknan, Berlin.

THOMAS McDONALD,  
Secretary.

FIFTIETH DAY AFTER RECESS AND  
FIFTY-FIRST DAY

Senate Chamber,  
Bismarck, North Dakota,  
February 24, 1937.

The Senate convened at 9 A. M., pursuant to recess taken,  
President Thoresen presiding.

MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck North Dakota,  
February 24, 1937.

Mr. President: I have the honor to transmit herewith the  
following bills:

House Bill No. 271. A Bill for an Act Relating to the  
Licensing of Motor Vehicle Operators, and to the Liability  
of Persons for Negligence in the Operation Thereof on Pub-  
lic Highways; Fixing Fees to Be Paid; Providing for the  
Examination of Applicants for License; and for the Sus-  
pension and Revocation of Such License; Making Disposition  
of the Fees Collected, and Providing for Penalty for Violat-  
ing the Act; Repealing Chapter 175 of the 1925 Session  
Laws of North Dakota and All Other Acts or Parts of Acts  
in Conflict Herewith.

Also,

House Bill No. 357. A Bill for an Act to Apply and Make  
Applicable the Provisions of the House Bill No. 32 of the  
Twenty-Fifth Legislative Assembly and Chapter 195 of the  
Laws of 1935 as Amended by House Bill Number 32 Afore-  
said, to "Warrants for Emergency Poor Relief" Issued Pur-  
suant to Chapter 120 of the Laws of 1935 and Issued Prior to  
January 1st, 1939.

Also,

House Bill No. 326. A Bill for an Act to Provide for the  
Collection, Arrangement and Display of the Products and  
Resources of the State of North Dakota at the New York  
World's Fair in 1939.

Also,

House Bill No. 334. A Bill for an Act Authorizing the Exchange of Coupon Bonds for Register Bonds of the State of North Dakota.

Also,

House Bill No. 373. A Bill for an Act Prohibiting Certain Advertising of Intoxicating Liquors and Providing a Penalty Therefor.

Also,

House Bill No. 270. A Bill for an Act Regulating Game and Fish, for the Propagation, Conservation, Protection, Preservation of Wild Birds, Wild Animals and Fish; and Providing That Certain Game Birds, Game Animals, Fur-bearing Animals, Fish and Deer Shall Be Protected at All Times, and the Season Declared Closed Except When Opened by Governor's Proclamation Upon Recommendation of the Game and Fish Commissioner; Providing for Resident and Non-resident Licenses, and Providing Penalties Therefor, and to Amend and Re-enact Section 10322a50 of the Supplement to the Compiled Laws of 1913, as Amended by Chapter 115 of the Session Laws of 1933.

Also,

House Bill No. 335. A Bill for an Act to Amend and Re-enact Section 4652 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Stopping of Passenger Trains at County Seats, and Repealing Acts or Parts of Acts in Conflict Therewith.

Also,

House Bill No. 269. A Bill for an Act to Define Native Lignite and to Separately Classify Native Lignite; and to Declare the Public Policy in Respect Thereto.

Also,

House Bill No. 336. A Bill for an Act to Amend and Re-enact Section 9 of Chapter 135 of the Session Laws of 1935; Providing for the Election of Party Precinct Committeemen; for the Organization of Party, County and State Committees; Establishing the Qualifications of Delegates and Committeemen; Providing for the Organization of Party, County and State Committees; Providing for the Nomination of Candidates for Presidential Electors; Repealing Acts or Parts of Acts in Conflict Herewith and Declaring an Emergency.

Also,

House Bill No. 304. A Bill for an Act to Provide for the Assessment of Car Line Companies, Express Companies, Pipe Line Companies, and Air Transportation Companies. Providing for the Allocation of the Tax to the State of North Dakota; and Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Also,

House Bill No. 90. A Bill for an Act to Secure the Benefits of the Act of Congress of the United States Establishing a System of Federal Old Age Benefits Known as the "Social



Security Act"; Providing a Plan for Old Age Pensions and Assistance; Creating a Fund for the Payment of Old Age Pensions; a Board to Be Known as the Old Age Pension Board of the State of North Dakota as the Agency to Administer the Plan; Designating and Prescribing the Persons to Be Pensioned and Otherwise Receive the Benefits of This Act; Prescribing Penalties for Violation of the Provisions of This Act; Providing for the Payment of Expenses to Be Incurred in Carrying Out the Provisions Hereof; and Repealing Chapter 254 of the Session Laws of North Dakota for the Year 1933, Together With Any and All Acts or Parts of Acts in Conflict With or Inconsistent to the Provisions of This Act.

Also,

House Bill No. 198. A Bill for an Act Making an Appropriation to Be Expended in Providing Public Assistance to the Needy Aged, the Needy Blind, and to Dependent Children, and in Providing Child Welfare Services in Coordination With and Supplementary to Funds Made Available for Like Purposes in North Dakota by the Federal Government; Defining the Powers and Duties of the Public Welfare Board in Relation Thereto; Repealing All Acts and Parts of Acts in Conflict With This Act; and Declaring an Emergency.

Also,

House Bill No. 199. A Bill for an Act Making an Appropriation for Relief to Destitute and Necessitous Persons, Defining the Powers and Duties of the Public Welfare Board in Relation Thereto; Providing for Allocation of Funds to Counties for Relief Purposes; Repealing All Acts and Parts of Acts in Conflict With This Act; and Declaring an Emergency.

Also,

House Bill No. 319. A Bill for an Act to Prohibit Distillers, Brewers, and Wholesalers of Beer and of Intoxicating Liquors in the State of North Dakota from Leasing and from Furnishing of Any Furniture, Fixtures, Equipment or Other Property to Retailer; from Paying Retail Tax; from Being Interested in Retail Business; Providing Penalty and Declaring an Emergency.

Also,

#### HOUSE CONCURRENT RESOLUTION No. 356.

Which the House has passed and your favorable consideration is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

The following communication was presented, in response to request for information from the Attorney General:

State of North Dakota  
OFFICE OF ATTORNEY GENERAL  
Bismarck

January 21, 1937.

Hon. Ole Ettestad,  
Bismarck, North Dakota.

Dear Senator Ettestad:

I have your inquiry relative to the following proposition:

Section 25 of the Constitution as amended in November, 1918, relative to the powers of Initiative and Referendum provides as follows: "No measure enacted or approved by a vote of the electors shall be repealed or amended by the legislature except upon a yea and nay vote upon roll call upon two-thirds of all the members elected at each house".

The question presented is when after the legislature has amended an initiated or referred measure by the necessary two-thirds vote, whether such amendment takes the act out of the constitutional provision so that thereafter the same may be amended by a constitutional majority.

Such a measure may be amended by the legislature as provided by the constitution, but the fact remains that in all essentials it is still a measure that has been approved by a vote of the electors, and that, therefore, the necessary two-thirds vote would be necessary to amend or repeal it; otherwise, the constitutional provision could easily be avoided by circumvention, for instance: such measure might be amended in some minor detail by the legislature, and thereafter the entire act might be amended or repealed by a constitutional majority only. I am of the opinion that such a construction of the constitutional provision cannot be sustained. In other words, although such a measure may have been amended by the legislature, nevertheless any subsequent amendment or repeal cannot be effected except by a two-thirds vote of all the members elected to each house.

Respectfully submitted,

P. O. SATHRE,  
Attorney General.

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. 187. A Bill for an Act Providing for Establishing, on Petition, of Temporary and Permanent Farm and Rural Home Advisory Councils, Under Whose Guidance Shall Be Conducted Agricultural, Home Economics and 4-H

Club Programs, Providing for the Levy of an Annual Tax Therefor and for Term of Office of Council, Manner of Creating and Provision for Traveling Expense of Permanent Council, for the Appointment of Extension Agents, the Budgeting of Expenses and for Procedure to Discontinue Levy for Agricultural, Home Economics, and 4-H Club Programs in Any County, Providing for Applicability of This Act to Counties Where the County Extension Work Has Been Provided and is Being Conducted Under the Statutes in Force Prior to the Enactment of This Act, and for the Discontinuance in Such Counties Within a Fixed Period of the County Work so Performed Under Former Statutes, and Repealing Section 3259A of the 1925 Supplement to the Compiled Laws of 1913 and All Acts or Parts of Acts in Conflict Herewith.

Also,

Senate Bill No. 23. A Bill for an Act to Amend and Re-enact Sections 2, 3 and 8 of Chapter 135, of the Session Laws of 1935, Relating to the Election of Presidential Electors, Precinct Committeemen; Delegates to National Conventions, National Committeemen and Committeewomen; for organization of County and State Committees, of Political Parties.

And find the same correctly engrossed.

WILLIAM KROEBER,  
Chairman.

Senator Kroeber moved that the report be adopted, which motion prevailed, and the report was adopted.

Senator Brostuen requested a separate roll call on the emergency clause of Senate Bill No. 70, which request was granted.

Pending arrival of absent Senators, the Senate proceeded to the consideration of Senate Bill No. 80, which was read the second time yesterday.

Senator Fowler moved that Senate Bill No. 80 be amended as follows:

Strike out amendments No. 11, 13, 14 and 15 appearing on page 1014 of the Senate Journal.

Which motion prevailed.

Senator Fowler moved that Senate Bill No. 80 be further amended as follows:

On page 20 of the printed bill, line 7, after the word "him", strike out the period, insert a semicolon and add the following: "Provided that the number of inspectors appointed shall not exceed ten, each of whom shall have had at least three years experience in the auditing and checking of books of account".

Which motion prevailed.

Senator Trout moved that Senate Bill No. 80 be amended as follows:

Strike out all of amendment 8, appearing on pages 1013 and 1014 of the Senate Journal.

Which motion prevailed.

Senator Johnson moved that Senate Bill No. 80 be amended as follows:

Strike out all of subsection 5 of Amendment 17 appearing on page 1014 of the Senate Journal, and renumber the following subsections.

Which motion was lost.

Senator Fine moved that Senate Bill No. 80 be amended as follows:

Following line 20 on page 5 of the printed bill, add the following: "(f) This tax shall not be assessed against the purchase of farm machinery or farm machinery repairs".

Which motion was lost.

Senator Fowler moved that the rules be suspended and Senate Bill No. 80 be considered properly re-engrossed, and placed upon Second Reading and Final Passage, which motion prevailed.

Senate Bill No. 80. A Bill for an Act to Equalize Taxation and Replace in Part the Tax on Property; to Provide the Public Revenue to Be Used by Such Replacement by Imposing a Tax on the Gross Receipts from Retail Sales as Defined Herein; to Provide for the Collection of Such Tax, the Distribution and Use of the Revenue Derived Therefrom, and the Administration of Said Law; to Provide for Certain Deductions and Exemptions; Establishing a Lien for the Payment of Such Tax; to Fix Fines and Penalties for the Violation of the Provisions of This Act; to Repeal all Laws or Parts of Laws in Conflict Herewith and Declaring an Emergency.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 32; nays, 15; absent and not voting 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Nelson, Grand Fks.
Bilden	Guthrie	Strehlow
Blaisdell	Kamrath	Thatcher
Cain	Kroeber	Topp
Coffey	Lian	Trout
Drew	Lowe	Vinje
Ettestad	Lynn	Watt
Fowler	Magoffin	Whelan
Fredrickson	McGillic	Wog
Gilbertson	Mutchler	Young
Gronvold	Nelson, Barnes	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Brostuen	Lavik	Skarvold
Fine	Lemke	Streibel

Messrs.	Messrs.	Messrs.
Greene	Morrison	Stucke
Johnson	Olson	Thorson
Kolpin	Owings	Williams

Absent and not voting:

Messrs.	Messrs.
Crandall	Hulteng

So the bill passed and the title was agreed to, but the emergency clause was lost.

Senator Brostuen moved that the vote by which Senate Bill No. 80 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

#### EXPLANATIONS OF VOTES

Senator Greene: The farmers of the state are opposed to this sales tax unless it is made a 100% replacement tax. Therefore I vote "no" on this bill.

Senator Skarvold: I believe a sales tax is a tax on poverty. It is a tax on bread and butter, a tax on our overalls. It is a tax which originated in the brains of the tax dodgers for the purpose of shifting the burden on to those least able to pay it. For that reason I vote "no".

Senator Young: I am voting "aye" on this bill not because I believe in a sales tax but because I believe we need the money.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
February 24, 1937.

Mr. President: I have the honor to transmit herewith the following bills:

House Bill No. 125. A Bill for an Act to Provide for the Creation, the Powers, the Duties, the Authority and the Jurisdiction of the State Water Conservation Commission; Prescribing its Powers and Duties to Investigate, Plan, Regulate, Control, and Supervise for All Purposes of Flood Control, Water Conservation, Water Irrigation, Water Rights, and Pollution of Water, All Public or Private Navigable or Non-navigable, Surface and Sub-surface, Waters, Streams, Lakes, Ponds, Water-courses, Surface Waters, Run-off Waters, and Watersheds, Located in or Within the Jurisdiction of the State of North Dakota and to Exercise Powers of Contracting, of Sale and of Purchase, and of Leasing and sub-leasing with Respect Thereof; Providing for the Construction, Operation and Maintenance of a System of Works for the Conservation, Development, Storage, Distribution and Utilization of Water, and for the Acquisition and Disposition of Property Necessary Therefor; Authorizing the Issuance and Sale of State Water Conservation Revenue Bonds of the State, Payable From the Revenues of Such Works and the Funds Received From the Sale or Disposal of Water and from the Operation, Lease, Sale or Other Disposition of the Works, Property,

and Facilities to Be Acquired Out of the Proceeds of Such Bonds; Providing for the Lien Upon Bond Proceeds, for Exempting Property of Commission from Taxation; Providing for Trust Indentures; Providing for the Creation of Certain Funds in Connection with the Act; Providing for Necessary Help and Expenses; Providing for Contracts with the United States; with Political Sub-divisions of the State, with Associations, Groups, and Persons, Providing for Powers and Duties Concerning Inter-State Compacts and Commissions; Providing for the Purchase and Condemnation, and Otherwise to Acquire Lands and Water Rights and for the Sale and Lease Thereof; Making an Appropriation; Providing for the Creation of a Revenue Bond Payment Fund; Providing Duties of State Agencies Acting Intra State, Concerning Water Conservation, Flood Control and Pollution of Waters and Providing Duties of State Agencies Concerning Inter-State Compacts With Respect to Water Conservation, Flood Control and Pollution of Waters; Providing for the Collection and Payment of Moneys Into Said Fund and Disbursements Therefrom; for Methods of Paying Principal and Interest Thereon by State Treasurer; Providing for Levy of Tax, if Necessary, to Pay Principal and Interest of Revenue Bonds; and Reimbursement of Such Levy, and to Provide that the State Water Conservation Commission May Mortgage Property; and Designating Said Water Conservation Commission as a Public Corporation and Agency of the State; and to Grant Additional Powers to the Commission Concerning Irrigation, the Sale and Lease of Water, and Water Rights; to Borrow Monies; Providing for Authority of Bank of North Dakota to Act as Fiscal Agent, to Purchase and Sell Revenue Bonds and to Make Loans; Repealing Inconsistent Acts and Declaring an Emergency.

Also,

House Bill No. 141. A Bill for an Act Making it the Duty of the State Board of Equalization to Reassess Certain Classes of Property When Any General Tax Levied Against the Property Shall Be Adjudged Illegal and Non-enforceable or Shall Be Set Aside by Any State Court or Federal Court of Competent Jurisdiction and Limiting the Bringing of Actions Against the State for Recovery of Taxes Paid.

Also,

House Bill No. 341. A Bill for an Act to Establish a Mouse River Valley Authority, and to Fix Its Powers and Duties.

Also,

House Bill No. 168. A Bill for an Act to Amend and Re-enact Chapter 229 of the 1933 Session Laws of the State of North Dakota, as Amended by Chapter 260 of the Session Laws of 1935; to Provide for the Distribution of the Same Upon the Basis of Need, in the Payment of High School Tuition in Lieu of That Now Provided by Law and in the Payment of Direct Aid to School Districts Upon a Teacher-Unit Basis; and to Provide Methods for the Ascertainment and Payment of the Sums Payable to School Districts; and to Provide for Penalty for Making False Report; Repeal of All Acts in Conflict Herewith.

Which the House has passed and your favorable consideration is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

The Senate resumed consideration of the emergency clause on Senate Bill No. 70 pursuant to request by Senator Brostuen.

ROLL CALL

The question being on passage of the emergency clause of Senate Bill No. 70, the roll was called and there were ayes, 28; nays, 19; absent and not voting 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Kolpin	Skarvold
Brostuen	Lavik	Streibel
Ettestad	Lemke	Stucke
Fine	McGillie	Thatcher
Fredrickson	Morrison	Trout
Greene	Mutchler	Vinje
Guthrie	Nelson, Barnes	Williams
Johnson	Olson	Wog
Kamrath	Owings	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Gronvold	Nelson, Grand Fks.
Blaisdell	Guenther	Strehlow
Cain	Kroeber	Thorson
Coffey	Lowe	Topp
Drew	Lynn	Watt
Fowler	Magoffin	Whelan
Gilbertson		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Crandall	Hulteng	Lian

So the emergency clause was declared lost.

SECOND READING OF SENATE BILLS

Senate Bill No. 253. A Bill for an Act to Amend and Re-enact Sections 5 and 6 of Chapter 109 of the Session Laws of North Dakota for the Year 1935, Relating to Mutual Aid Corporations, 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, 29; nays, 15; absent and not voting 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Streibel
Bilden	Guthrie	Stucke

Messrs.	Messrs.	Messrs.
Brostuen	Johnson	Thatcher
Coffey	Lavik	Thorson
Drew	McGillic	Vinje
Ettestad	Morrison	Whelan
Fine	Mutchler	Williams
Fowler	Nelson, Barnes	Wog
Fredrickson	Owings	Young
Greene	Skarvold	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Kroeber	Olson
Gilbertson	Lemke	Strehlow
Gronvold	Lynn	Topp
Kamrath	Magoffin	Trout
Kolpin	Nelson, Grand Fks.	Watt

Absent and not voting:

Messrs.	Messrs.	Messrs.
Cain	Hulteng	Lowe
Crandall	Lian	

So the bill passed and the title was agreed to, but the emergency clause was lost.

Senator Whelan moved that the vote by which Senate Bill No. 253 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 255. A Bill for an Act Relating the Introduction and Printing of Bills and Providing for an Official Seal for Each Branch of the Legislative Assembly; Repealing Section 52 of the Compiled Laws of 1913 and 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, the roll was called and there were ayes, 43; nays, 0; absent and not voting 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Skarvold
Bilden	Kamrath	Strehlow
Blaisdell	Kolpin	Streibel
Brostuen	Kroeber	Stucke
Coffey	Lavik	Thatcher
Drew	Lemke	Thorson
Ettestad	Lian	Topp
Fine	Lynn	Trout
Fowler	Magoffin	Vinje
Fredrickson	Morrison	Watt
Gilbertson	Mutchler	Whelan
Greene	Nelson, Barnes	Williams
Gronvold	Nelson, Grand Fks.	Wog
Guenther	Olson	
Guthrie	Owings	



Absent and not voting:

Messrs.	Messrs.	Messrs.
Cain	Hulteng	McGillic
Crandall	Lowe	Young

So the bill passed and the title was agreed to.

Senator Johnson moved that the vote by which Senate Bill No. 255 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 163. A Bill for an Act Providing for the Taxation of Gasoline Sold or Purchased for the Purpose of Operating and Propelling Airplanes and Aircraft, 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, the roll was called and there were ayes, 31; nays, 13; absent and not voting 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Skarvold
Bilden	Kamrath	Streibel
Blaisdell	Lavik	Stucke
Coffey	Lemke	Thatcher
Drew	Lowe	Thorson
Ettestad	Lynn	Topp
Fine	Magoffin	Vinje
Greene	McGillic	Watt
Gronvold	Morrison	Wog
Guenther	Mutchler	
Guthrie	Olson	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Brostuen	Kroeber	Strehlow
Fowler	Lian	Whelan
Fredrickson	Nelson, Barnes	Williams
Gilbertson	Nelson, Grand Fks.	Young
Kolpin		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Cain	Hulteng	Trout
Crandall	Owings	

So the bill passed and the title was agreed to.

Senator Bilden moved that the vote by which Senate Bill No. 163 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

## REPORTS OF STANDING COMMITTEES

A minority of the Committee on Corporations made the following report:

Mr. President: A minority of your Committee on Corporations to whom was referred Senate Bill No. 256, have had the same under consideration and recommend that the same be indefinitely postponed.

JAMES W. GUTHRIE  
H. G. GUENTHER  
MILTON R. YOUNG  
WM. J. LOWE

A majority of the Committee on Corporations made the following report:

Mr. President: A majority of your Committee on Corporations to whom was referred Senate Bill No. 256, have had the same under consideration and recommend that the same be amended as follows:

On page 2, Section 4 of the original bill, strike out all of sub-section (c) which reads as follows: "(c) No school for hairdressers and cosmetologists within this Act shall be granted a Certificate of Registration unless it is operated and maintained in premises entirely distinct from and permanently separated from any hair dressing or cosmetologist shop".

On page 2, line 6 of Subsection (e) of the original bill, following the word "instructors", strike out the "comma" and the following language: "and it is expressly provided that no school of hairdressing or cosmetology shall make any charge for any services or material which is covered and included within the practice of hairdressing or cosmetology, and which may be rendered by any student in such school", and insert in lieu thereof a "period".

Reletter subsections "(d)" and "(e)" to read "(c)" and "(d)".

O. E. BILDEN  
ED. GREENE  
R. M. STREIBEL  
R. A. OWINGS  
WM. KROEBER  
FRED J. FREDRICKSON  
MELVIN P. JOHNSON  
J. C. BLAISDELL, Jr.

And when so amended recommend the same do pass.

MILTON R. YOUNG,  
Chairman.

Senator Johnson moved that the majority report be adopted.

Senator Young moved, as a substitute motion, that the report of the minority be substituted for the report of the majority, which motion was lost.

The question being on the motion of Senator Johnson that the report of the majority be adopted, the motion prevailed and the report was adopted.

Senator Stucke moved that the rules be suspended and Senate Bill No. 256 be placed on the calendar, which motion prevailed.

Senator Guthrie moved that Senate Bill No. 256 be amended as follows:

Following Section (b) on page 1 of the engrossed bill, insert Section (c) as follows: "(c) No person who has not completed the regular course offered by a recognized Hairdressing and Cosmetology School shall be granted a license under this act. This provision shall not apply to any person heretofore licensed under Chapter 157 of the Session Laws of 1927."

Which motion prevailed.

Senator Johnson moved that the rules be re-suspended and Senate Bill No. 256 be considered properly re-engrossed, and placed upon Second Reading and Final Passage, as amended, which motion prevailed.

SECOND READING OF SENATE BILLS

Senate Bill No. 256. A Bill for an Act to Amend and Re-enact Sections 4 and 28 of Chapter 157 of the Session Laws of North Dakota for 1927, Relating to the Occupation of Hairdressers and Cosmetologists, the Conduct of Schools for Hairdressers and Cosmetologists, and to Provide Penalties for Violation Thereof.

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, 8; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Olson
Bilden	Kamrath	Owings
Blaisdell	Kolpin	Skarvold
Brostuen	Kroeber	Strehlow
Cain	Lemke	Streibel
Coffey	Lian	Stucke
Drew	Magoffin	Thatcher
Ettestad	McGillic	Thorson
Fowler	Morrison	Topp
Gilbertson	Mutchler	Trout
Greene	Nelson, Barnes	Vinje
Gronvold	Nelson, Grand Fks.	Whelan

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Guenther	Lowe	Wog
Guthrie	Lynn	Young
Lavik	Watt	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Crandall	Fredrickson	Williams
Fine	Hulteng	

So the bill passed and the title was agreed to.

Senator Thatcher moved that the vote by which Senate Bill No. 256 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The President announced that a recheck of the vote on Senate Bill No. 80 disclosed that the emergency clause had carried.

Senator Blaisdell moved that the Senate recess subject to the call of the chair, which motion prevailed.

The Senate reconvened pursuant to recess taken.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
February 24, 1937.

Mr. President: I have the honor to request the return of House Bill No. 271. A Bill for an Act Relating to the Licensing of Motor Vehicle Operators, and to the Liability of Persons for Negligence in the Operation Thereof on Public Highways; Fixing Fees to Be Paid; Providing for the Examination of Applicants for License, and for the Suspension and Revocation of Such License; Making Disposition of the Fees Collected, and Providing for Penalty for Violating the Act; Repealing Chapter 175 of the 1925 Session Laws of North Dakota and All Other Acts or Parts of Acts in Conflict Herewith.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

Senator Stucke moved that the Senate comply with the request of the House and return House Bill No. 271.

Which motion prevailed.

Senator Johnson moved that the Senate return House Bill No. 247 to the House, for the reason that it had failed to pass the House by the two-thirds vote necessary to amend an initiated measure.

Which motion prevailed.

#### MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 24, 1937.

Mr. Speaker: I have the honor to return herewith the following bill:

House Bill No. 271. A Bill for an Act Relating to the Licensing of Motor Vehicle Operators, and the Liability of Persons for Negligence in the Operation Thereof on Public Highways; Fixing Fees to Be Paid; Providing for the Examination of Applicants for License, and for the Suspension and Revocation of Such License; Making Disposition of the Fees Collected, and Providing for Penalty for Violating the Act; Repealing Chapter 175 of the 1925 Session Laws of North Dakota and All Other Acts or Parts of Acts in Conflict Herewith.

In accordance with the request of the House for its return.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 24, 1937.

Mr. Speaker: I have the honor to return:

House Bill No. 247. A Bill for an Act to Amend and Re-enact Section Six (6) of That Certain Initiated Law Adopted by the Voters of the State of North Dakota at the Special Election Held September 22, 1933, Entitled as Follows: "An Act Defining and Providing for the Manufacture, Sale and Distribution of Beer, Providing Revenue Therefrom, and Licenses Therefor, Prohibiting the Transfer of Licenses, Excluding Certain Persons from the Right to Purchase the Same, Appointing a State Beer Commissioner and Defining His Powers, Duties, and Salary; Authorizing Cities, Villages and County Commissioners to Provide a Local Tax and Prescribe Rules and Regulations Under Which Beer May Be Sold and Authorizing Municipalities to Provide Penalties for Violation of Their Regulations; Providing for the Administrative Expense of This Act; Making it Unlawful for Any Person to Engage in the Manufacture or Sale of Beer Without First Obtaining a License Therefor; Providing a Penalty for the Violation of the Provision Thereof; Providing for a Saving Clause as to Constitutionality; and Repealing All Acts or Parts of Act in Conflict With This Act, and Making an Appropriation to Carry Out the Provisions Hereof," and Declaring an Emergency.

For the reason that the same failed to receive a two-thirds vote of the House members elect on its final passage.

Very respectfully,

THOMAS McDONALD,  
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. 24. A Bill for an Act Relating to Motor Vehicles, Trailers, and Semi-trailers, the Ownership Thereof, and Other Interests Therein, and to Provide for the Registration Thereof, the Issuance of Certificates of Title Therefor Upon Payment of Fees; and to License Persons in the Business of Dealing in All Motor Vehicles; Trailers, and Semi-trailers; and to Protect Owners of Such Vehicles Against Theft, Embezzlement or Other Loss Thereof; Providing for Highway Traffic Regulations; and Providing for the Administration and Enforcement of Motor Vehicle Laws and Highway Traffic Regulations by Division of Highway Safety and Patrol; Providing for the Appointment of a Registrar of Motor Vehicles and Other Employees of the Department; Providing for the Appointment of a Superintendent of Division of Highway Safety and Patrol and Other Patrolmen and Employees; Prescribing Their Salaries and Providing for the Expense of Administration; Prescribing Their Duties and Term of Office; Providing for Operator's and Chauffeur's Licenses and the Fees to Be Paid Therefor; Providing for the Taking of Registration and Operator's and Chauffeur's License Applications; Providing for the Safety, Welfare and Protection of the Traveling Public in the Use of the Highways; Providing for Uniform Regulation of Highway Traffic; Providing for the Enforcement and Penalties for the Violation of the Provisions of This Act; Prescribing Rules of Interpretation and Repealing any Act or Parts of Acts Inconsistent with or in Conflict with the Provisions of This Act.

Also,

Senate Bill No. 62. A Bill for an Act to Create an Unemployment Compensation Fund from Contributions by Employers for the Payment of Compensation for Involuntary Unemployment, to Provide for Merit Ratings for Employers, to Create an Unemployment Compensation Division in the Workmen's Compensation Bureau, to Transfer the North Dakota State Employment Service to the Workmen's Compensation Bureau as a Division Thereof, to Provide for Compensation With the Social Security Board of the United States of America, to Provide for an Employment Service Account and an Appropriation Therefor, Defining and Regulating the Administration of This Act, to Provide for Penalties for Violation of Said Act, and Declaring an Emergency.

Also,

Senate Bill No. 256. A Bill for an Act to Amend and Re-enact Sections 4 and 28 of Chapter 157 of the Session Laws of North Dakota for 1927, Relating to the Occupation of Hairdressers and Cosmetologists, the Conduct of Schools for Hairdressers and Cosmetologists, and to Provide Penalties for Violation Thereof.

And find the same correctly engrossed.

WILLIAM KROEBER,  
Chairman.

Senator Kroeber moved that the report be adopted, which motion prevailed, and the report was adopted.

## MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
February 24, 1937.

Mr. President: I have the honor to transmit herewith the following bills:

House Bill No. 308. A Bill for an Act to Make a Sales Tax Replacement Tax and Provide a Method of Replacement.

Also,

House Bill No. 350. A Bill for an Act Providing for the Creation of Power Districts; Prescribing Powers and Duties of Such Districts; and Authorizing Such Districts to Conduct and Operate Utilities for the Production, Transmission of Distribution of Electric Energy, and to Issue Bonds and Providing for the Payment of Such Bonds; and Declaring an Emergency.

Also,

House Bill No. 377. A Bill for an Act to Repeal Chapter 6 of the Session Laws of North Dakota for the Year 1935, Regulating the Purchase, Use, Administering and Handling of Hog Cholera Virus, and Declaring an Emergency.

Also,

House Bill No. 306. A Bill for an Act to Amend and Re-enact Chapter 148 of Senate Bill Number 260 of the Session Laws of North Dakota for the Year 1935, Authorizing the Highway Department to Appoint a State Highway Patrol Superintendent, an Assistant State Highway Patrol Superintendent, and Highway Police; Designating Powers and Qualifications of Such Police; Fixing Compensation and Providing for Disposition of Fines Collected.

Also,

House Bill No. 303. A Bill for an Act to Amend and Re-enact Section 2122, Compiled Laws of 1913, as Amended by Section 2122a of the 1925 Supplement to the 1913 Compiled Laws of North Dakota and Further Amended by the Initiated Measure Passed June 29, 1932, by the People of the State of North Dakota, and All Acts Amendatory Thereto, Providing for the Assessment of Stocks of Goods and Merchandise of Wholesale and Retail Dealers; Providing for Reports by Wholesale and Retail Dealers and Providing the Duties of the County Auditor and State Tax Commissioner; Repealing All Acts or Parts of Acts in Conflict Therewith, and Declaring an Emergency.

Also,

House Bill No. 292. A Bill for an Act Providing for the Allowance of a Portion of the Cost of Planting and Growing Forest Trees as a Bounty Therefor, and Prescribing the Duties of the Assessor in Connection Therewith; Repealing All Acts in Conflict Herewith; and Declaring an Emergency.

Which the House has passed and your favorable consideration is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

## MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 24, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bills:

Senate Bill No. 252. A Bill for an Act to Amend and Re-enact Section 2, of Chapter 274, of the Session Laws of North Dakota for the Year 1935, Relating to the Deduction of Delinquent Personal Property Taxes from Salaries or Other Compensation of Elective and Appointive Officers, Agents and Employees of the State of North Dakota, All Bureaus, Boards, Commissions and Departments, and All Persons Receiving Public Funds and Extending the Application Thereof to Persons Receiving, Claiming or Demanding Money from Municipalities and Political Sub-divisions Within the State.

Also,

Senate Bill No. 120. A Bill for an Act Providing for the Supervision and Regulation by the Board of Railroad Commissioners of the State of North Dakota, of the Transportation of Persons and Property Over North Dakota Public Highways by Motor Propelled Vehicles, Defining and Classifying Transportation by Motor Propelled Vehicles Affected Hereby and Providing for the Enforcement of the Provisions of this Act and for Penalties for the Violation Thereof, Repealing All of Section 2976V1 to 2976V16 Inclusive, Being Article 55b of Chapter 38 of the Political Code of the State of North Dakota of the 1925 Supplement to the 1913 Compiled Laws of the State of North Dakota, and Chapter 90 of the Session Laws of 1927; Chapter 148 of the Session Laws of 1929; Chapter 188 of the Session Laws of 1931; Chapter 164 of the Session Laws of 1933; Chapter 179 of the Session Laws of 1935, and Chapter 182 of the Session Laws of 1935; and All Other Acts or Parts of Acts in Conflict With This Act, and Declaring an Emergency.

Also,

Senate Bill No. 256. A Bill for an Act to Amend and Re-enact Sections 4 and 28 of Chapter 157 of the Session Laws of North Dakota for 1927, Relating to the Occupation of Hairdressers and Cosmetologists, the Conduct of Schools for Hairdressers and Cosmetologists, and to Provide Penalties for Violation Thereof.

Also,

Senate Bill No. 70. A Bill for an Act Providing for and Relating to the Taxation of Income of Individuals, Fiduciaries and Corporations; Prescribing the Rates Which Shall Be Paid with Respect to Net Income as Defined in Article 35 of Chapter 34 of Political Code of the Supplement to the Compiled Laws of 1913 and Acts Amendatory Thereof; Providing When Losses May Be Deducted; Providing for Exemptions and



Credit Upon Tax; Providing for Date of Effect and to Amend and Re-enact Section 2346a25 of the Supplement to the Compiled Laws of 1913; Providing for the Repeal of Paragraph (b) of Sub-section 4 of Section 6 of Chapter 283 of the 1931 Session Laws and All Other Acts or Parts of Acts in Conflict Herewith.

Also,

Senate Bill No. 245. A Bill for an Act Directing the Board of Railroad Commissioners to Test Electric Meters of Electric Utility Companies and Gas Meters of Gas Utility Companies, and to Determine the Heat Values of Natural and/or Artificial Gas Distributed by Public Gas Utility Companies, and Making an Appropriation for Testing Equipment Therefor, and Declaring an Emergency.

Also,

Senate Bill No. 183. A Bill for an Act to Authorize and Empower the Public Welfare Board to Borrow Money from the Bank of North Dakota, and Declaring an Emergency.

Also,

Senate Bill No. 24. A Bill for an Act Relating to Motor Vehicles, Trailers, and Semi-trailers, the Ownership Thereof, and Other Interests Therein, and to Provide for the Registration Thereof, the Issuance of Certificates of Title Therefor Upon Payment of Fees; and to License Persons in the Business of Dealing in All Motor Vehicles; Trailers, and Semi-trailers; and to Protect Owners of Such Vehicles Against Theft, Embezzlement or Other Loss Thereof; Providing for Highway Traffic Regulations; and Providing for the Administration and Enforcement of Motor Vehicle Laws and Highway Traffic Regulations by Division of Highway Safety and Patrol; Providing for the Appointment of a Registrar of Motor Vehicles and Other Employees of the Department; Providing for the Appointment of a Superintendent of Division of Highway Safety and Patrol and Other Patrolmen and Employees; Prescribing Their Salaries and Providing for the Expense of Administration; Prescribing Their Duties and Term of Office; Providing for Operator's and Chauffeur's Licenses and the Fees to Be Paid Therefor; Providing for the Taking of Registration and Operator's and Chauffeur's License Applications; Providing for the Safety, Welfare and Protection of the Traveling Public in the Use of the Highways; Providing for Uniform Regulation of Highway Traffic; Providing for the Enforcement and Penalties for the Violation of the Provisions of This Act; Prescribing Rules of Interpretation and Repealing any Act or Parts of Acts Inconsistent with or in Conflict with the Provisions of This Act.

Also,

Senate Bill No. 62. A Bill for an Act to Create an Unemployment Compensation Fund from Contributions by Employers for the Payment of Compensation for Involuntary Unemployment, to Provide for Merit Ratings for Employers,

to Create an Unemployment Compensation Division in the Workmen's Compensation Bureau, to Transfer the North Dakota State Employment Service to the Workmen's Compensation Bureau as a Division Thereof, to Provide for Compensation With the Social Security Board of the United States of America, to Provide for an Employment Service Account and an Appropriation Therefor, Defining and Regulating the Administration of This Act, to Provide for Penalties for Violation of Said Act, and Declaring an Emergency.

Also,

Senate Bill No. 187. A Bill for an Act Providing for Establishing, on Petition, of Temporary and Permanent Farm and Rural Home Advisory Councils, Under Whose Guidance Shall Be Conducted Agricultural, Home Economics and 4-H Club Programs, Providing for the Levy of an Annual Tax Therefor and for Term of Office of Council, Manner of Creating and Provision for Traveling Expense of Permanent Council, for the Appointment of Extension Agents, the Budgeting of Expenses and for Procedure to Discontinue Levy for Agricultural, Home Economics, and 4-H Club Programs in Any County, Providing for Applicability of This Act to Counties Where the County Extension Work Has Been Provided and is Being Conducted Under the Statutes in Force Prior to the Enactment of This Act, and for the Discontinuance in Such Counties Within a Fixed Period of the County Work so Performed Under Former Statutes, and Repealing Section 3259A of the 1925 Supplement to the Compiled Laws of 1913 and All Acts or Parts of Acts in Conflict Herewith.

Also,

Senate Bill No. 23. A Bill for an Act to Amend and Re-enact Sections 2, 3 and 8 of Chapter 135, of the Session Laws of 1935, Relating to the Election of Presidential Electors, Precinct Committeemen; Delegates to National Conventions, National Committeemen and Committeewomen; for organization of County and State Committees, of Political Parties.

Also,

Senate Bill No. 253. A Bill for an Act to Amend and Re-enact Sections 5 and 6 of Chapter 109 of the Session Laws of North Dakota for the Year 1935, Relating to Mutual Aid Corporations, and Declaring an Emergency.

Also,

Senate Bill No. 255. A Bill for an Act Relating the Introduction and Printing of Bills and Providing for an Official Seal for Each Branch of the Legislative Assembly; Repealing Section 52 of the Compiled Laws of 1913 and All Acts and Parts of Acts in Conflict Herewith.

Also,

Senate Bill No. 163. A Bill for an Act Providing for the Taxation of Gasoline Sold or Purchased for the Purpose of Operating and Propelling Airplanes and Aircraft, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Which the Senate has passed and your favorable consideration is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
February 24, 1937.

Mr. President: I have the honor to transmit herewith the following bills:

House Bill No. 280. A Bill for an Act Amending Subdivision U of Section 51, of Chapter 96, of the Session Laws of North Dakota for 1931, Relating to the Liquidation of Insolvent Banks by Depositors.

Also,

House Bill No. 364. A Bill for an Act to Amend and Re-enact Section 5, Chapter 106, Session Laws of 1927 as Amended and Re-enacted by Section 2, Chapter 105, Session Laws of 1931; Relating to the Sale of Cigarettes, and Cigarette Papers and Wrappers and Papers Used and Prepared for the Making of Cigarettes; Providing for the Levy, Assessment, Collection and Payment of a Tax Thereon; Providing for the Regulation of the Sales Thereof, and Penalty for Violation of This Act.

Also,

House Bill No. 346. A Bill for an Act Providing for the Formation of Cooperative, Non-profit, Membership Corporations to Be Known as Electric Membership Corporations for the Purpose of Promoting and Encouraging the Fullest Possible Use of Electric Energy in the State by Making Electric Energy Available to the Inhabitants of the State at the Lowest Cost Consistent With Sound Economy and Prudent Management of the Business of Such Corporations; Providing for the Rights, Powers and Duties of Such Corporations; Authorizing and Regulating the Issuance of Bonds by Such Corporations; and Providing for the Payment of Such Bonds and the Rights of the Holders Thereof.

Also,

House Bill No. 360. A Bill for an Act to Amend and Re-enact Section 6 of Chapter 172 of the Session Laws of North Dakota for the Year 1935, Being an Act to Impose a Tax Upon the Sale of Motor Vehicle Fuels; Providing for the Collection of Said Tax, for Reports of Sales of Such Motor Fuels, and for the Disposition of the Revenue Derived Therefrom; Providing for the Licensing and Bonding of Dealers in Motor Vehicle Fuels and the Revocation of Such License; Regulating the Sale of Such Fuels and Fixing Penalties for the Violation of This Act. Repealing All Acts or Parts of Acts in Conflict With the Provisions of This Act.

Also,

House Bill No. 271. A Bill for an Act Relating to the Licensing of Motor Vehicle Operators, and the Liability of Persons for Negligence in the Operation Thereof on Public Highways; Fixing Fees to Be Paid; Providing for the Examination of Applicants for License, and for the Suspension and Revocation of Such License; Making Disposition of the Fees Collected, and Providing for Penalty for Violating the Act; Repealing Chapter 175 of the 1925 Session Laws of North Dakota and All Other Acts or Parts of Acts in Conflict Herewith.

Also,

House Bill No. 349. A Bill for an Act to Regulate the Employment of Teachers in State Institutions of Higher Learning, Fixing Conditions Under Which They May Be Employed or Discharged From Their Positions; Providing for Probationary Periods; Providing for Hearing.

Also,

#### HOUSE CONCURRENT RESOLUTION "A-1".

Which the House has passed and your favorable consideration is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk

Senator Guthrie requested that the Senate return to the Seventh Order of Business, which request was granted.

Senator Thorson requested a call of the Senate, which request was granted.

Senator Thorson moved that further proceedings under the call of the Senate be dispensed with, which motion prevailed.

Senator Guthrie moved that the Senate reconsider the vote by which Senate Bill No. 82 was indefinitely postponed.

Senator Gilbertson moved that the motion to reconsider be laid on the table, which motion lost.

The question being on the motion of Senator Guthrie to reconsider, a roll call was demanded and granted.

#### ROLL CALL

The question being on the motion to reconsider the vote by which Senate Bill No. 82 was lost, the roll was called and there were ayes, 25; nays, 19; absent and not voting 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Lemke	Stucke
Cain	Lynn	Thatcher
Fine	Morrison	Thorson
Greene	Mutchler	Watt
Guthrie	Olson	Whelan
Johnson	Owings	Williams
Kamrath	Skarvold	Wog
Kolpin	Streibel	Young
Kroeber		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Gilbertson	Magoffin
Blaisdell	Gronvold	Nelson, Barnes
Brostuen	Guenther	Nelson, Grand Fks.
Coffey	Lavik	Strehlow
Drew	Lian	Topp
Ettestad	Lowe	Vinje
Fowler		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Grandall	Hulteng	Trout
Fredrickson	McGillic	

So the motion was carried.

Senator Cain: I vote "aye" for the purpose of offering an amendment.

Senator Cain moved to amend Senate Bill No. 82 as follows:

In Section 1, line 4, strike out the word "twenty" and insert the word "fifty".

In Section 2, line 7, strike out the word "twenty" and insert the word "fifty".

In Section 3, line 8, strike out the word "seven" and insert the word "ten".

Senator Thorson moved, as a substitute motion, that the word "twenty" be changed to "forty".

Which motion prevailed.

Senator Brostuen moved to amend Senate Bill No. 82 as follows: "In line 14 of Section 9, after the word "owners" insert a period, strike out the balance of sentence, and add the following: "This act is hereby declared to be an emergency measure and shall be in full force and effect from the date of its passage and approval."

Which motion prevailed.

Senator Johnson moved that Senate Bill No. 82 be amended as follows:

In line 36 of Section 6, strike out the word "five" and insert the word "ten", and in line 35 change the word "twenty" to "fifty".

Senator Cain moved as a substitute motion that the word "twenty" in line 35 be changed to "forty", and the word "five" in line 36 be changed to the word "ten".

Which motion prevailed.

Senator Blaisdell moved to amend Senate Bill No. 82 by striking out all of Section 4, which motion lost.

## SECOND READING OF SENATE BILLS

Senate Bill No. 82. A Bill for an Act Declaring the Law of the State of North Dakota With Reference to the Extent

to Which Lands Used and Usable for Farming and Ranching Purposes in This State May Lawfully Be Charged With Tax Obligations, and Providing for an Over-all Limitation on the Tax Charges in Money Which May Lawfully Be Spread Against Such Lands, and Providing a Remedy for Past and Future Excessive Charges, 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, 25; nays, 21; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Cain	Lemke	Stucke
Drew	Lynn	Thatcher
Fine	Magoffin	Thorson
Greene	Morrison	Whelan
Guthrie	Mutchler	Williams
Johnson	Olson	Wog
Kamrath	Owings	Young
Kolpin	Skarvold	
Kroeber	Streibel	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Gilbertson	Nelson, Barnes
Bilden	Gronvold	Nelson, Grand Fks.
Blaisdell	Guenther	Strehlow
Brostuen	Lavik	Topp
Coffey	Lian	Trout
Ettestad	Lowe	Vinje
Fowler	McGillic	Watt

Absent and not voting:

Messrs.	Messrs.	Messrs.
Crandall	Fredrickson	Hulteng

So the bill passed and the title was agreed to and the emergency clause was declared lost.

Senator Whelan moved that the vote by which Senate Bill No. 82 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

#### SENATE COMMITTEE ON ENROLLMENT AND EN-GROSSMENT

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. 80. A Bill for an Act to Equalize Taxation and Replace in Part the Tax on Property; to Provide the Pub-

lic Revenue to Be Used by Such Replacement by Imposing a Tax on the Gross Receipts from Retail Sales as Defined Herein; to Provide for the Collection of Such Tax, the Distribution and Use of the Revenue Derived Therefrom, and the Administration of Said Law; to Provide for Certain Deductions and Exemptions; Establishing a Lien for the Payment of Such Tax; to Fix Fines and Penalties for the Violation of the Provisions of This Act; to Repeal all Laws or Parts of Laws in Conflict Herewith and Declaring an Emergency.

And find the same correctly engrossed.

WILLIAM KROEBER,  
Chairman.

Senator Kroeber moved that the report be adopted, which motion prevailed, and the report was adopted.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota.  
February 24, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bill:

Senate Bill No. 80. A Bill for an Act to Equalize Taxation and Replace in Part the Tax on Property; to Provide the Public Revenue to Be Used by Such Replacement by Imposing a Tax on the Gross Receipts from Retail Sales as Defined Herein; to Provide for the Collection of Such Tax, the Distribution and Use of the Revenue Derived Therefrom, and the Administration of Said Law; to Provide for Certain Deductions and Exemptions; Establishing a Lien for the Payment of Such Tax; to Fix Fines and Penalties for the Violation of the Provisions of This Act; to Repeal all Laws or Parts of Laws in Conflict Herewith and Declaring an Emergency.

Which the Senate has passed and your favorable consideration is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
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 bill:

Senate Bill No. 82. A Bill for an Act Declaring the Law of the State of North Dakota With Reference to the Extent to Which Lands Used and Usable for Farming and Ranching Purposes in This State May Lawfully Be Charged With Tax Obligations, and Providing for an Over-all Limitation on the Tax Charges in Money Which May Lawfully Be Spread

Against Such Lands, and Providing a Remedy for Past and Future Excessive Charges, Declaring an Emergency.

And find the same correctly engrossed.

WILLIAM KROEBER,  
Chairman.

Senator Kroeber moved that the report be adopted, which motion prevailed, and the report was adopted.

#### MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 24, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bill:

Senate Bill No. 82. A Bill for an Act Declaring the Law of the State of North Dakota With Reference to the Extent to Which Lands Used and Usable for Farming and Ranching Purposes in This State May Lawfully Be Charged With Tax Obligations, and Providing for an Over-all Limitation on the Tax Charges in Money Which May Lawfully Be Spread Against Such Lands, and Providing a Remedy for Past and Future Excessive Charges, Declaring an Emergency.

Which the Senate has passed and your favorable consideration is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
February 24, 1937.

Mr. President: I have the honor to return herewith the following bill:

House Bill No. 247. A Bill for an Act to Amend and Re-enact Section Six (6) of That Certain Initiated Law Adopted by the Voters of the State of North Dakota at the Special Election Held September 22, 1933, Entitled as Follows: "An Act Defining and Providing for the Manufacture, Sale and Distribution of Beer, Providing Revenue Therefrom, and Licenses Therefor, Prohibiting the Transfer of Licenses, Excluding Certain Persons from the Right to Purchase the Same, Appointing a State Beer Commissioner and Defining His Powers, Duties, and Salary; Authorizing Cities, Villages and County Commissioners to Provide a Local Tax and Prescribe Rules and Regulations Under Which Beer May Be Sold and Authorizing Municipalities to Provide Penalties for Violation of Their Regulations; Providing for the Administrative Expense of This Act; Making it Unlawful for Any Person to Engage in the Manufacture or Sale of Beer Without First Obtaining a License Therefor; Providing a Penalty for the Violation of the Provision Thereof; Providing for a Saving Clause as to Constitutionality; and Repealing All Acts or Parts of Act in Conflict With This Act, and



Making an Appropriation to Carry Out the Provisions Hereof," and Declaring an Emergency.

It being the contention of the House that the Bill has passed as the law had already been amended in the 1935 session.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

### SECOND READING OF HOUSE BILLS

House Bill No. 15. A Bill for an Act to Encourage the Investment of Moneys in the State of North Dakota, and to Encourage the Development of the Natural Resources of this State, and to Provide a Market for the Gas and Oil Deposits in this State, Including Those Owned by the State of North Dakota, and the Counties Thereof, and to Permit the Marketing of Such Natural Resources Through Interstate Pipe Lines, by Selling Therefrom to the State, County, and School Districts of Gas and Oil, Upon Condition that the Seller Purchase from Production or Produce in this State an amount of Gas or Oil at Least Equivalent to the Amount it Delivers to Said State, County and School District Building, and Requiring Such Sellers to Make Reports of Its Sale and Purchases and Production, Under Oath, and Providing a Penalty for Violation Thereof.

Was read the second time.

Senator Fine moved that House Bill No. 15 be amended as follows:

In line 4, Section 2, appearing on page 927 of the Senate Journal, strike out all of line 4 and up to and including the word "deliver" and insert the words "deliver the same for any North Dakota producer".

Which motion prevailed.

Senator Fine moved that House Bill No. 15 be amended as follows:

In line 3 of Section 4, page 927 of the Senate Journal, following the word "seller" insert the words "or carrier,"

Which motion prevailed.

### ROLL CALL

The question being on the final passage of House Bill No. 15, as amended, the roll was called and there were ayes, 23; nays, 22; absent and not voting, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Olson
Blaisdell	Kamrath	Owings
Brostuen	Kroeber	Streibel
Cain	Lemke	Thatcher
Coffey	Lowe	Thorson
Ettestad	Lynn	Trout
Greene	Morrison	Wog
Guenther	Nelson, Barnes	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Drew	Lian	Stucke
Fine	Magoffin	Topp
Fowler	McGillic	Vinje
Gilbertson	Mutchler	Watt
Gronvold	Nelson, Grand Fks.	Whelan
Guthrie	Skarvold	Williams
Kolpin	Strehlow	Young
Lavik		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Fredrickson	Hulteng
Crandall		

So the bill was declared lost.

Senator Whelan: Mr. President: I vote "no" for the purpose of reconsideration.

Senator Blaisdell moved that the Senate do now adjourn, which motion prevailed. The Senate stood adjourned.

THOMAS McDONALD,  
Secretary.

#### FIFTY-FIRST DAY

Senate Chamber,  
Bismarck, North Dakota,  
February 24, 1937.

The Senate convened at 2:00 p. m. pursuant to adjournment, the President presiding.

Prayer by Chaplain, Rev. Schlip, Bismarck.

Roll Call: All members present except Senators Crandall, Fredrickson and Hulteng.

Senator Gronvold moved the absent Senators 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 49th day after recess and 50th day and recommend that the same be corrected as follows:

On page 1017, line 3, strike out the word "majority" and insert the word "minority".

And when so corrected recommend that the same be approved.

C. C. MORRISON,  
Chairman.

Senator Young moved that the report be adopted, which motion prevailed and the report was adopted.

#### PETITIONS AND COMMUNICATIONS

The following petition was received, read from the desk, and referred to the appropriate committee:

A communication from the Granville Community Club, urging passage of House Bill No. 168.

#### REPORTS OF STANDING COMMITTEES

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 98, have had the same under consideration and recommend that the same be amended as follows:

In the last line of the title after the word "Appropriation", strike out the "semi-colon" and insert in lieu thereof a "period" and strike out the words "and Declaring an Emergency".

Strike out all of Section 4.

And when so amended recommend the same do pass.

B. W. LEMKE,  
Chairman.

Senator Lemke moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Agriculture and Livestock made the following report:

Mr. President: Your Committee on Agriculture and Livestock to whom was referred House Bill No. 162, have had the same under consideration and recommend that the same do pass.

HERMAN THORSON,  
Chairman.

Senator Thorson moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Fowler moved that House Bill No. 247 be referred to the appropriate committee, pending determination of its legal status.

Which motion prevailed.

#### FIRST READING OF HOUSE BILLS

House Bill No. 306. A Bill for an Act to Amend and Re-enact Chapter 148 of Senate Bill Number 260 of the Session Laws of North Dakota for the Year 1935, Authorizing the Highway Department to Appoint a State Highway Patrol Superintendent, an Assistant State Highway Patrol Superintendent, and Highway Police; Designating Powers and Qualifications of Such Police; Fixing Compensation and Providing for Disposition of Fines Collected.

Was read the first time and referred to the Committee on Highways.

House Bill No. 303. A Bill for an Act to Amend and Re-enact Section 2122, Compiled Laws of 1913, as Amended by Section 2122a of the 1925 Supplement to the 1913 Compiled Laws of North Dakota and Further Amended by the Initiated Measure Passed June 29, 1932, by the People of the

State of North Dakota, and All Acts Amendatory Thereto, Providing for the Assessment of Stocks of Goods and Merchandise of Wholesale and Retail Dealers; Providing for Reports by Wholesale and Retail Dealers and Providing the Duties of the County Auditor and State Tax Commissioner; Repealing All Acts or Parts of Acts in Conflict Therewith, and Declaring an Emergency.

Was read the first time and referred to the Committee on Taxes and Tax Laws.

House Bill No. 292. A Bill for an Act Providing for the Allowance of a Portion of the Cost of Planting and Growing Forest Trees as a Bounty Therefor, and Prescribing the Duties of the Assessor in Connection Therewith; Repealing All Acts in Conflict Herewith; and Declaring an Emergency.

Was read the first time and referred to the Committee on Judiciary.

House Bill No. 280. A Bill for an Act Amending Sub-division U of Section 51, of Chapter 96, of the Session Laws of North Dakota for 1931, Relating to the Liquidation of Insolvent Banks by Depositors; and Declaring an Emergency.

Was read the first time and referred to the Committee on Banks and Banking.

House Bill No. 364. A Bill for an Act Relating to the Sale of Cigarettes, Cigarette Papers, and Wrapper, Papers Used for the Making of Cigarettes, and Snuff; Providing for the Levy, Assessment, Collection and Payment of a Tax Thereon; Providing for the Regulation of the Sales Thereof; Providing Penalties for the Violation Thereof, Repealing Chapter 106, Session Laws of North Dakota for 1927, Chapter 105, Session Laws of North Dakota for 1931, Chapter 269, Session Laws of North Dakota for 1935, and All Acts or Parts of Acts in Conflict Therewith, and Declaring an Emergency.

Was read the first time and referred to the Committee on Judiciary.

House Bill No. 346. A Bill for an Act Providing for the Formation of Cooperative, Non-profit, Membership Corporations to Be Known as Electric Membership Corporations for the Purpose, of Promoting and Encouraging the Fullest Possible Use of Electric Energy in the State by Making Electric Energy Available to the Inhabitants of the State at the Lowest Cost Consistent With Sound Economy and Prudent Management of the Business of Such Corporations; Providing for the Rights, Powers and Duties of Such Corporations; Authorizing and Regulating the Issuance of Bonds by Such Corporations; and Providing for the Payment of Such Bonds and the Rights of the Holders Thereof.

Was read the first time and referred to the Committee on Judiciary.

House Bill No. 360. A Bill for an Act to Amend and Re-enact Section 6 of Chapter 172 of the Session Laws of North Dakota for the Year 1935, Being an Act to Impose a Tax Upon the Sale of Motor Vehicle Fuels; Providing for the Collection of Said Tax, for Reports of Sales of Such Motor Fuels, and for the Disposition of the Revenue Derived Therefrom;

Providing for the Licensing and Bonding of Dealers in Motor Vehicle Fuels and the Revocation of Such License; Regulating the Sale of Such Fuels and Fixing Penalties for the Violation of This Act. Repealing All Acts or Parts of Acts in Conflict With the Provisions of This Act.

Was read the first time and referred to the Committee on Highways.

House Bill No. 271. A Bill for an Act Relating to the Licensing of Motor Vehicle Operators, and to the Liability of Persons for Negligence in the Operation Thereof on Public Highways; Fixing Fees to Be Paid; Providing for the Examination of Applicants for License, and for the Suspension and Revocation of Such License; Making Disposition of the Fees Collected, and Providing for Penalty for Violating the Act; Repealing Chapter 175 of the 1925 Session Laws of North Dakota and All Other Acts or Parts of Acts in Conflict Herewith.

Was read the first time and referred to the Committee on Highways.

House Bill No. 349. A Bill for an Act to Regulate the Employment of Teachers in State Institutions of Higher Learning, Fixing Conditions Under Which They May Be Employed or Discharged From Their Positions; Providing for Probationary Periods; Providing for Hearing.

Was read the first time and referred to the Committee on Education.

#### HOUSE CONCURRENT RESOLUTION No. "A-1".

Was read the first time and referred to the Committee on Agriculture.

House Bill No. 247. A Bill for an Act to Amend and Re-enact Section Six (6) of That Certain Initiated Law Adopted by the Voters of the State of North Dakota at the Special Election Held September 22, 1933, Entitled as Follows: "An Act Defining and Providing for the Manufacture, Sale and Distribution of Beer, Providing Revenue Therefrom, and Licenses Therefor, Prohibiting the Transfer of Licenses, Excluding Certain Persons from the Right to Purchase the Same, Appointing a State Beer Commissioner and Defining His Powers, Duties, and Salary; Authorizing Cities, Villages and County Commissioners to Provide a Local Tax and Prescribe Rules and Regulations Under Which Beer May Be Sold and Authorizing Municipalities to Provide Penalties for Violation of Their Regulations; Providing for the Administrative Expense of This Act; Making it Unlawful for Any Person to Engage in the Manufacture or Sale of Beer Without First Obtaining a License Therefor; Providing a Penalty for the Violation of the Provision Thereof; Providing for a Saving Clause as to Constitutionality; and Repealing All Acts or Parts of Act in Conflict With This Act, and Making an Appropriation to Carry Out the Provisions Hereof," and Declaring an Emergency.

Was read the first time and referred to the Committee on Judiciary.

House Bill No. 373. A Bill for an Act Prohibiting Certain

Advertising of Intoxicating Liquors and Providing a Penalty Therefor.

Was read the first time and referred to the Committee on Temperance.

House Bill No. 334. A Bill for an Act Authorizing the Exchange of Coupon Bonds for Register Bonds of the State of North Dakota.

Was read the first time and referred to the Committee on Banks and Banking.

House Bill No. 326. A Bill for an Act to Provide for the Collection, Arrangement and Display of the Products and Resources of the State of North Dakota at the New York World's Fair in 1939.

Was read the first time and referred to the Committee on State Affairs.

House Bill No. 357. A Bill for an Act to Apply and Make Applicable the Provisions of the House Bill No. 32 of the Twenty-Fifth Legislative Assembly and Chapter 195 of the Laws of 1935 as Amended by House Bill Number 32 Afore-said, to "Warrants for Emergency Poor Relief" Issued Pursuant to Chapter 120 of the Laws of 1935 and Issued Prior to January 1st, 1939.

Was read the first time and referred to the Committee on Judiciary.

House Bill No. 308. A Bill for an Act to Make a Sales Tax Replacement Tax and Provide a Method of Replacement.

Was read the first time and referred to the Committee on Taxes and Tax Laws.

House Bill No. 350. A Bill for an Act Providing for the Creation of Power Districts; Prescribing Powers and Duties of Such Districts; and Authorizing Such Districts to Conduct and Operate Utilities for the Production, Transmission of Distribution of Electric Energy, and to Issue Bonds and Providing for the Payment of Such Bonds; and Declaring an Emergency.

Was read the first time and referred to the Committee on Judiciary.

House Bill No. 377. A Bill for an Act to Repeal Chapter 6 of the Session Laws of North Dakota for the Year 1935, Regulating the Purchase, Use, Administering and Handling of Hog Cholera Virus, and Declaring an Emergency.

Was read the first time and referred to the Committee on Agriculture.

House Bill No. 198. A Bill for an Act Making an Appropriation to Be Expended in Providing Public Assistance to the Needy Aged, the Needy Blind, and to Dependent Children, and in Providing Child Welfare Services in Coordination With and Supplementary to Funds Made Available for Like Purposes in North Dakota by the Federal Government; Defining the Powers and Duties of the Public Welfare Board in Relation Thereto; Repealing All Acts and Parts of Acts in Conflict With This Act; and Declaring an Emergency.

Was read the first time and referred to the Committee on Appropriations.

House Bill No. 90. A Bill for an Act to Secure the Benefits of the Act of Congress of the United States Establishing a System of Federal Old Age Benefits Known as the "Social Security Act"; Providing a Plan for Old Age Pensions and Assistance; Creating a Fund for the Payment of Old Age Pensions; a Board to Be Known as the Old Age Pension Board of the State of North Dakota as the Agency to Administer the Plan; Designating and Prescribing the Persons to Be Pensioned and Otherwise Receive the Benefits of This Act; Prescribing Penalties for Violation of the Provisions of This Act; Providing for the Payment of Expenses to Be Incurred in Carrying Out the Provisions Hereof; and Repealing Chapter 254 of the Session Laws of North Dakota for the Year 1933, Together With Any and All Acts or Parts of Acts in Conflict With or Inconsistent to the Provisions of This Act.

Was read the first time and referred to the Committee on Women's and Children's Welfare.

House Bill No. 304. A Bill for an Act to Provide for the Assessment of Car Line Companies, Express Companies, Pipe Line Companies, and Air Transportation Companies. Providing for the Allocation of the Tax to the State of North Dakota; and Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Was read the first time and referred to the Committee on Taxes and Tax Laws.

House Bill No. 336. A Bill for an Act to Amend and Re-enact Section 9 of Chapter 135 of the Session Laws of 1935; Providing for the Election of Party Precinct Committeemen; for the Organization of Party, County and State Committees; Establishing the Qualifications of Delegates and Committeemen; Providing for the Organization of Party, County and State Committees; Providing for the Nomination of Candidates for Presidential Electors; Repealing Acts or Parts of Acts in Conflict Herewith and Declaring an Emergency.

Was read the first time and referred to the Committee on Elections.

House Bill No. 269. A Bill for an Act to Define Native Lignite and to Separately Classify Native Lignite; and to Declare the Public Policy in Respect Thereto.

Was read the first time and referred to the Committee on Mines and Minerals.

House Bill No. 335. A Bill for an Act to Amend and Re-enact Section 4652 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Stopping of Passenger Trains at County Seats, and Repealing Acts or Parts of Acts in Conflict Therewith.

Was read the first time and referred to the Committee on Railroads.

House Bill No. 270. A Bill for an Act Regulating Game and Fish, for the Propagation, Conservation, Protection,

Preservation of Wild Birds, Wild Animals and Fish; and Providing That Certain Game Birds, Game Animals, Fur-bearing Animals, Fish and Deer Shall Be Protected at All Times, and the Season Declared Closed Except When Opened by Governor's Proclamation Upon Recommendation of the Game and Fish Commissioner; Providing for Resident and Non-resident Licenses, and Providing Penalties Therefor, and to Amend and Re-enact Section 10322a50 of the Supplement to the Compiled Laws of 1913, as Amended by Chapter 115 of the Session Laws of 1933.

Was read the first time and referred to the Committee on Game and Fish.

House Bill No. 125. A Bill for an Act to Provide for the Creation, the Powers, the Duties, the Authority and the Jurisdiction of the State Water Conservation Commission; Prescribing its Powers and Duties to Investigate, Plan, Regulate, Control, and Supervise for All Purposes of Flood Control, Water Conservation, Water Irrigation, Water Rights, and Pollution of Water, All Public or Private Navigable or Non-navigable, Surface and Sub-surface, Waters, Streams, Lakes, Ponds, Water-courses, Surface Waters, Run-off Waters, and Watersheds, Located in or Within the Jurisdiction of the State of North Dakota and to Exercise Powers of Contracting, of Sale and of Purchase, and of Leasing and sub-leasing with Respect Thereof; Providing for the Construction, Operation and Maintenance of a System of Works for the Conservation, Development, Storage, Distribution and Utilization of Water, and for the Acquisition and Disposition of Property Necessary Therefor; Authorizing the Issuance and Sale of State Water Conservation Revenue Bonds of the State, Payable From the Revenues of Such Works and the Funds Received From the Sale or Disposal of Water and from the Operation, Lease, Sale or Other Disposition of the Works, Property, and Facilities to Be Acquired Out of the Proceeds of Such Bonds; Providing for the Lien Upon Bond Proceeds, for Exempting Property of Commission from Taxation; Providing for Trust Indentures; Providing for the Creation of Certain Funds in Connection with the Act; Providing for Necessary Help and Expenses; Providing for Contracts with the United States; with Political Sub-divisions of the State, with Associations, Groups, and Persons, Providing for Powers and Duties Concerning Inter-State Compacts and Commissions; Providing for the Purchase and Condemnation, and Otherwise to Acquire Lands and Water Rights and for the Sale and Lease Thereof; Making an Appropriation; Providing for the Creation of a Revenue Bond Payment Fund; Providing Duties of State Agencies Acting Intra State, Concerning Water Conservation, Flood Control and Pollution of Waters and Providing Duties of State Agencies Concerning Inter-State Compacts With Respect to Water Conservation, Flood Control and Pollution of Waters; Providing for the Collection and Payment of Moneys Into Said Fund and Disbursements Therefrom; for Methods of Paying Principal and Interest Thereon by State Treasurer; Providing for Levy of Tax, if Necessary, to Pay Principal and Interest of Revenue Bonds; and Reimbursement of Such Levy, and to Provide that the State Water Conservation Commission May Mortgage Property; and Designating Said Water Conservation Commission as a Public



Corporation and Agency of the State; and to Grant Additional Powers to the Commission Concerning Irrigation, the Sale and Lease of Water, and Water Rights; to Borrow Monies; Providing for Authority of Bank of North Dakota to Act as Fiscal Agent, to Purchase and Sell Revenue Bonds and to Make Loans; Repealing Inconsistent Acts and Declaring an Emergency.

Was read the first time and referred to the Committee on Irrigation and Drainage.

House Bill No. 141. A Bill for an Act Making it the Duty of the State Board of Equalization to Reassess Certain Classes of Property When Any General Tax Levied Against the Property Shall Be Adjudged Illegal and Non-enforceable or Shall Be Set Aside by Any State Court or Federal Court of Competent Jurisdiction and Limiting the Bringing of Actions Against the State for Recovery of Taxes Paid.

Was read the first time and referred to the Committee on Taxes and Tax Laws.

House Bill No. 341. A Bill for an Act to Establish a Mouse River Valley Authority, and to Fix Its Powers and Duties.

Was read the first time and referred to the Committee on Irrigation and Drainage.

House Bill No. 168. A Bill for an Act to Amend and Re-enact Chapter 229 of the 1933 Session Laws of the State of North Dakota, as Amended by Chapter 260 of the Session Laws of 1935; to Provide for the Distribution of the Same Upon the Basis of Need, in the Payment of High School Tuition in Lieu of that Now Provided by Law and in the Payment of Direct Aid to School Districts Upon a Teacher-Unit Basis; and to Provide Methods for the Ascertainment and Payment of the Sums Payable to School Districts; and to Provide for Penalty for Making False Report; Repeal of All Acts in Conflict Herewith.

Was read the first time and referred to the Committee on Education.

#### HOUSE CONCURRENT RESOLUTION No 356.

Was read the first time and referred to the Committee on Judiciary.

House Bill No. 319. A Bill for an Act to Prohibit Distillers, Brewers, and Wholesalers of Beer and of Intoxicating Liquors in the State of North Dakota from Leasing and from Furnishing of Any Furniture, Fixtures, Equipment or Other Property to Retailer; from Paying Retail Tax; from Being Interested in Retail Business; Providing Penalty and Declaring an Emergency.

Was read the first time and referred to the Committee on Temperance.

House Bill No. 199. A Bill for an Act Making an Appropriation for Relief to Destitute and Necessitous Persons, Defining the Powers and Duties of the Public Welfare Board in Relation Thereto; Providing for Allocation of Funds to Counties for Relief Purposes; Repealing All Acts and Parts of

Acts in Conflict With This Act; and Declaring an Emergency.

Was read the first time and referred to the Committee on Appropriations.

Senator Blaisdell moved that further consideration of House Bill No. 72 be indefinitely postponed.

Roll call demanded and granted.

#### ROLL CALL

The question being on motion for indefinite postponement of House Bill No. 72 the roll was called and there were ayes, 26; nays, 17; absent and not voting, 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Kroeber	Nelson, Grand Fks.
Cain	Lavik	Stucke
Coffey	Lemke	Thatcher
Drew	Lian	Topp
Fowler	Lowe	Trout
Gilbertson	Lynn	Vinje
Guenther	Magoffin	Whelan
Guthrie	Morrison	Williams
Johnson	Mutchler	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Gronvold	Streibel
Bilden	Kolpin	Thorson
Brostuen	Nelson, Barnes	Watt
Ettestad	Olson	Wog
Fine	Owings	Young
Greene	Skarvold	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Crandall	Hulteng	McGillic
Fredrickson	Kamrath	Strehlow

So the motion prevailed.

Senator Blaisdell moved that the vote by which House Bill No. 72 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

HOUSE CONCURRENT RESOLUTION "O" opposing modification of existing federal laws and regulations covering importation of livestock and livestock products from foreign countries harboring foot and mouth disease.

Was read the second time.

Senator Cain moved that House Concurrent Resolution "O" be adopted.

Which motion prevailed.

HOUSE CONCURRENT RESOLUTION "Q". Memorializing Congress to care for blind and needy ward Indians.

Was read the second time.

Senator Lynn moved that the resolution be adopted.

Which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 54. A Bill for an Act Prohibiting the Marriage of Minors Under the Supervision of the Juvenile Court or State Training School, Without Order of the Juvenile Court.

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, 3; absent and not voting, 9.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Strehlow
Bilden	Kolpin	Streibel
Blaisdell	Kroeber	Stucke
Brostuen	Lemke	Thorson
Cain	Lowe	Topp
Ettestad	Lynn	Trout
Fowler	Magoffin	Vinje
Gilbertson	Morrison	Watt
Greene	Mutchler	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Olson	Young
Guthrie	Owings	
Johnson	Skarvold	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Coffey	Drew	Lian

Absent and not voting:

Messrs.	Messrs.	Messrs.
Crandall	Hulteng	Nelson, Grand Fks.
Fine	Lavik	Thatcher
Fredrickson	McGillic	Wog

So the bill passed and the title was agreed to.

Senator Blaisdell moved that the Senate do now recess until one o'clock tomorrow, which motion prevailed. The Senate stood recessed.

COURTESIES OF THE FLOOR

The courtesies of the floor were extended to Judge C. W. Butt; A. G. Jacobson, Cartwright.

THOMAS McDONALD,  
Secretary.

FIFTY-FIRST DAY AFTER RECESS AND  
FIFTY-SECOND DAY

Senate Chamber,  
Bismarck, North Dakota,  
February 25, 1937.

The Senate convened at 1:00 P. M., pursuant to recess taken, President Thoresen presiding.

House Bill No. 80 was read the second time and further consideration deferred.

Senator Whelan requested that the Senate return to the 7th order of business, which request was granted.

Senator Whelan moved that the Senate reconsider the vote by which House Bill No. 15 was indefinitely postponed.

Senator Wog requested a call of the Senate, which request was granted.

Senator Whelan moved that the call of the Senate be dispensed with and reconsideration of House Bill No. 15 be made a special order of business for 1:45 P. M., today.

Which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 77. A Bill for an Act Making an Appropriation to the Secretary of State for the Payment of the Cost of Printing the 1933-1934 Public Documents, 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, 1; absent and not voting, 12.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Olson
Bilden	Kolpin	Owings
Cain	Lavik	Skarvold
Coffey	Lian	Strehlow
Drew	Low	Streibel

Messrs.	Messrs.	Messrs.
Ettestad	Lynn	Stucke
Fowler	Magoffin	Thatcher
Gilbertson	McGillic	Thorson
Greene	Morrison	Vinje
Gronvold	Mutchler	Whelan
Guthrie	Nelson, Barnes	Williams
Johnson	Nelson, Grand Fks.	Young

Those voting in the negative were:

Messrs.  
Trout

Absent and not voting:

Messrs.	Messrs.	Messrs.
Blaisdell	Fredrickson	Lemke
Brostuen	Guenther	Topp
Crandall	Hulteng	Watt
Fine	Kroeber	Wog

So the bill passed and the title was agreed to and the emergency clause was declared carried.

Senator Coffey moved that further consideration of House Bill No. 80 be deferred one legislative day.

Which motion prevailed.

House Bill No. 83. A Bill for an Act to Amend and Re-enact Sections 4 and 6 of Chapter 92, Providing for the Consolidation of Counties and Parts of Counties; the Petition and Election Therefor; the Vote Thereon; Result Thereof; and Proclamation by the Governor; the Officers; Expiration of Their Terms and Transfer of all Books, Records and Property; Nominations When Void; the Transfer and Trial of All Actions; the Debts, Taxes and Issuance of Bonds or Certificates of Indebtedness, and Repealing All Acts in Conflict.

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, 32; nays, 11; absent and not voting, 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Kolpin	Skarvold
Blaisdell	Lavik	Streibel
Cain	Lian	Stucke
Ettestad	Lynn	Thatcher
Fowler	Magoffin	Thorson
Fredrickson	Morrison	Topp
Greene	Mutchler	Trout
Gronvold	Nelson, Barnes	Vinje
Guenther	Nelson, Grand Fks.	Whelan
Guthrie	Olson	Young
Kamrath	Owings	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Gilbertson	Watt
Brostuen	Johnson	Williams
Coffey	Lowe	Wog
Drew	Strehlow	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Crandall	Hulteng	Lemke
Fine	Kroeber	McGillic

So the bill passed and the title was agreed to.

Senator Morrison moved that the vote by which House Bill No. 83 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Cain requested that the Senate return to the Seventh Order of Business.

Which request was granted.

Senator Cain moved that House Bill No. 162 be taken from the calendar and re-referred to the Committee on Agriculture.

Which motion prevailed.

House Bill No. 96. A Bill for an Act Making an Appropriation to Make Up the Deficits in the Fund Known as "The Insurance Tax to Fire Departments" for the Purpose of Paying Insurance Tax to the Various Fire Departments of the State in Compliance With the Provisions of Sections 3993 to 3998, Inclusive, of the Compiled Laws of 1913.

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, 41; nays, 1; absent and not voting, 7.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Owings
Bilden	Kamrath	Skarvold
Brostuen	Kolpin	Strehlow
Cain	Lavik	Streibel
Coffey	Lemke	Stucke
Drew	Lian	Thatcher
Ettestad	Lowe	Thorson
Fowler	Lynn	Topp
Fredrickson	Magoffin	Trout
Gilbertson	Morrison	Vinje
Greene	Mutchler	Watt
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young
Guthrie	Olson	

Those voting in the negative were:

Messrs.

Blaisdell

Absent and not voting:

Messrs.

Crandall

Fine

Hulteng

Messrs.

Kroeber

McGillic

Messrs.

Whelan

Williams

So the bill passed, the title was agreed to, and the emergency clause was declared carried.

House Bill No. 84. A Bill for an Act to Amend and Re-enact Sections Three (3) and Six (6) of Chapter 116 of the Session Laws of 1927, Relating to the Furnishing of Seed and Feed by Counties, 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, 31; nays, 12; absent and not voting, 6.

Those voting in the affirmative were:

Messrs.

Aasen

Bilden

Blaisdell

Brostuen

Drew

Fredrickson

Gilbertson

Guenther

Guthrie

Kamrath

Kolpin

Messrs.

Lavik

Lemke

Lian

Lowe

Lynn

Magoffin

Morrison

Nelson, Barnes

Nelson, Grand Fks.

Owings

Messrs.

Skarvold

Streibel

Stucke

Thatcher

Topp

Trout

Vinje

Whelan

Wog

Young

Those voting in the negative were:

Messrs.

Cain

Coffey

Ettestad

Fowler

Messrs.

Greene

Gronvold

Johnson

Mutchler

Messrs.

Olson

Strehlow

Thorson

Watt

Absent and not voting:

Messrs.

Crandall

Fine

Messrs.

Hulteng

Kroeber

Messrs.

McGillic

Williams

So the bill passed, the title was agreed to, and the emergency clause was declared carried.

Senator Olson: Some years ago my county held a large number of such liens. The county was asked to release their claim so farmers could re-finance their mortgages, and they did so, and the county was left with a large loss. I vote "no."

It being 1:45 P. M., the Senate resumed consideration of the motion of Senator Whelan to reconsider House Bill No. 15.

Senator Trout requested a call of the Senate, which request was granted.

Senator Whelan moved that further proceedings under the call of the Senate be dispensed with.

Which motion prevailed.

Roll call demanded and granted.

### ROLL CALL

The question being on the motion of Senator Whelan that the Senate reconsider the vote by which House Bill No. 15 was lost, the roll was called and there were ayes, 31; nays 16; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Kolpin	Owings
Blaisdell	Kroeber	Skarvold
Brostuen	Lavik	Streibel
Cain	Lemke	Thatcher
Coffey	Lian	Thorson
Ettestad	Lowe	Trout
Fine	Magoffin	Whelan
Greene	Morrison	Williams
Guenther	Nelson, Barnes	Wog
Johnson	Olson	Young
Kamrath		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Strehlow
Drew	Lynn	Stucke
Fowler	McGillic	Topp
Fredrickson	Mutchler	Vinje
Gilbertson	Nelson, Grand Fks.	Watt
Gronvold		

Absent and not voting:

Messrs.	Messrs.
Crandall	Hulteng

So the motion prevailed.

Senator Ettestad moved that House Bill No. 15 be placed on Second Reading and Final Passage.

Which motion prevailed.

House Bill No. 15. A Bill for an Act to Encourage the Investment of Moneys in the State of North Dakota, and to Encourage the Development of the Natural Resources of this State, and to Provide a Market for the Gas and Oil Deposits in this State, Including Those Owned by the State of North Dakota, and the Counties Thereof, and to Permit the Mar-



keting of Such Natural Resources Through Interstate Pipe Lines, by Selling Therefrom to the State, County, and School Districts of Gas and Oil, Upon Condition that the Seller Purchase from Production or Produce in this State an amount of Gas or Oil at Least Equivalent to the Amount it Delivers to Said State, County and School District Building, and Requiring Such Sellers to Make Reports of Its Sale and Purchases and Production, Under Oath, and Providing a Penalty for Violation Thereof.

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, 29; nays, 17; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Kolpin	Owings
Blaisdell	Kroeber	Skarvold
Brostuen	Lavik	Streibel
Cain	Lemke	Thatcher
Coffey	Lian	Thorson
Ettestad	Lowe	Trout
Gilbertson	Magoffin	Whelan
Greene	Morrison	Williams
Guenther	Nelson, Barnes	Wog
Johnson	Olson	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Stucke
Drew	Lynn	Topp
Fine	McGillic	Vinje
Fowler	Mutchler	Watt
Fredrickson	Nelson, Grand Fks.	Young
Guthrie	Strehlow	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Crandall	Gronvold	Hulteng

So the bill passed and the title was agreed to.

Senator Gilbertson: I vote "aye" for the purpose of re-consideration.

Senator Thorson moved that the Senate do now adjourn.

Which motion prevailed.

The Senate stood adjourned.

THOMAS McDONALD,  
Secretary.

## FIFTY-SECOND DAY

Senate Chamber,  
Bismarck, North Dakota,  
February 25, 1937.

The Senate convened at 2:00 P. M., pursuant to adjournment, the President presiding.

Prayer by the Chaplain, Rev. Schlip, Bismarck.

Roll call: All members present except Senators Crandall and Hulteng.

Senator Lian moved the absent Senators be excused, which motion prevailed.

REPORT OF COMMITTEE ON REVISION AND CORRECTION OF THE JOURNAL

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 50th day after recess and 51st day and recommend that the same be corrected as follows:

On page 1054, line 18, correct spelling of the word "necessary".

On page 1059, line 11, strike out the word "adoption" and insert the word "passage".

On page 1064, line 11, strike out the word "of" and insert the word "on".

On page 1072, line 34, strike out the word "prevailed" and insert the word "lost".

And when so corrected recommend that the same be approved.

C. C. MORRISON,  
Chairman.

Senator Owings moved that the report be adopted, which motion prevailed and the report was adopted.

PETITIONS AND COMMUNICATIONS

The following communication was received, read from the desk, and referred to the appropriate committee:

A petition signed by 9 citizens of Valley City, urging passage of House Bill No. 193.

MESSAGE FROM THE GOVERNOR

State of North Dakota  
OFFICE OF THE GOVERNOR  
Bismarck

February 24, 1937.

To the Members of the Senate,  
Twenty-fifth Legislative Assembly:  
Gentlemen:

I am returning Senate Bill No. 7 for the following reason:

THURSDAY, FEBRUARY 25, 1937

1027

The act is entitled, "An Act Making an Appropriation for the Purpose of Indemnifying Owners of Animals Infected with Bovine Tuberculosis and to Pay Expenses in Connection Therewith." Investigation in the office of the State Auditor and the Livestock Sanitary Board shows that only a few claims have been filed against the bovine tuberculosis fund, so that the amount unpaid is approximately the sum of \$3,000.00.

However, when you enacted the law providing for the appropriation, the following language was used: "Indemnifying the owners of animals infected with bovine tuberculosis, which animals have been destroyed."

If the Legislature will amend this to include animals which have been destroyed and which will be destroyed during the next two years, I shall be very glad indeed to sign the same, particularly because of the fact that an emergency clause was attached to the appropriation.

It is likewise the opinion of the Attorney General that this act, if passed, would only indemnify owners of animals which have already been destroyed, and would not protect the owners of the animals destroyed during the next two years because of infection with bovine tuberculosis.

Respectfully,

WILLIAM LANGER,  
Governor.

WL:JEB

(Opinion of Attorney General attached hereto.)

OFFICE OF ATTORNEY GENERAL

Bismarck

February 24, 1937.

Hon. William Langer, Governor,  
Bismarck, North Dakota.

Dear Governor:

I have yours of the 24th inst., asking for my views on Senate Bill No. 7, same being an act making an appropriation for the purpose of indemnifying owners of animals infected with bovine tuberculosis, and to pay expenses in connection therewith.

This bill appropriates the sum of \$50,000.00 or so much thereof as may be necessary, for the purpose of indemnifying the owners of animals infected with bovine tuberculosis, which animals have been destroyed, and to pay expenses in connection therewith as provided in Section 2699 to 2710.

It seems to me that the appropriation should be available for the purpose of paying not only for animals that have been destroyed, but also for animals that may be destroyed during the next biennium, and in this respect, I concur with your view. My suggestion would therefore be that the bill be amended so as to include animals that may be destroyed in the future, that is to say, during the next biennium.

I am attaching a copy of this letter, to be transmitted with the bill to the Senate.

Respectfully submitted,

P. O. SATHRE,  
Attorney General.

#### REPORTS OF STANDING COMMITTEES

The Committee on Corporations made the following report:

Mr. President: Your Committee on Corporations to whom was referred House Bill 183, have had the same under consideration and recommend that the same do pass.

MILTON R. YOUNG,  
Chairman.

Senator Young moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Corporations made the following report:

Mr. President: Your Committee on Corporations to whom was referred House Bill No. 203, have had the same under consideration and recommend that the same do pass.

MILTON R. YOUNG,  
Chairman.

Senator Young moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Corporations made the following report:

Mr. President: Your Committee on Corporations to whom was referred House Bill No. 214, have had the same under consideration and recommend that the same do pass.

MILTON R. YOUNG,  
Chairman.

Senator Young moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Taxes and Tax Laws made the following report:

Mr. President: Your Committee on Taxes and Tax Laws to whom was referred House Bill No. 82, have had the same under consideration and recommend that the same be indefinitely postponed.

J. K. BROSTUEN,  
Chairman.

Senator Brostuen moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Counties made the following report:

Mr. President: Your Committee on Counties to whom was referred House Bill No. 110, have had the same under consideration and recommend that the same do pass.

W. J. TROUT,  
Chairman.

Senator Trout moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Counties made the following report:

Mr. President: Your Committee on Counties to whom was referred House Bill No. 111, have had the same under consideration and recommend that the same do pass.

W. J. TROUT,  
Chairman.

Senator Trout moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Counties made the following report:

Mr. President: Your Committee on Counties to whom was referred House Bill No. 130, have had the same under consideration and recommend that the same do pass.

W. J. TROUT,  
Chairman.

Senator Trout moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 136, have had the same under consideration and recommend that the same do pass.

J. P. CAIN,  
Chairman.

Senator Cain moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 137, have had the same under consideration and recommend that the same do pass.

J. P. CAIN,  
Chairman.

Senator Cain moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 139, have had the same under consideration and recommend that the same do pass.

J. P. CAIN,  
Chairman.

Senator Cain moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Taxes and Tax Laws made the following report:

Mr. President: Your Committee on Taxes and Tax Laws to whom was referred House Bill No. 156, have had the same under consideration and recommend that the same do pass.

J. K. BROSTUEN,  
Chairman.

Senator Brostuen moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Counties made the following report:

Mr. President: Your Committee on Counties to whom was referred House Bill No. 204, have had the same under consideration and recommend that the same do pass.

W. J. TROUT,  
Chairman.

Senator Trout moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Taxes and Tax Laws made the following report:

Mr. President: Your Committee on Taxes and Tax Laws to whom was referred House Bill No. 208, have had the same under consideration and recommend that the same be indefinitely postponed.

J. K. BROSTUEN,  
Chairman.

Senator Brostuen moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 247, have had the same under consideration and recommend that the same be amended as follows:

In line three (3) of the title of the engrossed bill after the following figures "1933" add the following language: "as Amended and Re-enacted by Chapter 98 of the Session Laws of the State of North Dakota for the Year 1935."

In line two (2) page two (2) of Section six (6) of the engrossed bill after the word "time" strike out the "semicolon" and insert in lieu thereof a "comma" and add the following language: "such stamps shall be attached to each bottle or container and nothing herein shall be construed as authorizing or permitting stamps to be attached to a case or other container holding more than one bottle, keg or barrel filled with beer; providing further that a bottle, keg, barrel or container commonly referred to as a pint, quart, one-eighth barrel or keg, one-fourth barrel or keg shall, for the purpose of this Act, be assumed to contain sixteen ounces per pint, thirty-two ounces per quart, four gallons per one-eighth barrel or keg, container, for the purpose of

computing the tax to be paid, even though such container actually contains less than the quantity designated by such terms."

And when so amended, recommend that the same do pass.

J. P. CAIN,  
Chairman.

Senator Cain moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 264, have had the same under consideration and recommend that the same do pass.

J. P. CAIN,  
Chairman.

Senator Cain moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Counties made the following report:

Mr. President: Your Committee on Counties to whom was referred House Bill No. 275, have had the same under consideration and recommend that the same be indefinitely postponed.

W. J. TROUT,  
Chairman.

Senator Trout moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 320, have had the same under consideration and recommend that the same do pass.

J. P. CAIN,  
Chairman.

Senator Cain moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 332, have had the same under consideration and recommend that the same do pass.

J. P. CAIN,  
Chairman.

Senator Cain moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 324, have had the same under consideration and recommend that the same do pass.

J. P. CAIN,  
Chairman.

Senator Cain moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 357, have had the same under consideration and recommend that the same be indefinitely postponed.

J. P. CAIN,  
Chairman.

Senator Cain moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 21, have had the same under consideration and recommend that the same be indefinitely postponed.

HARRY C. LYNN,  
GEORGE V. COFFEY,  
MAX H. STREHLOW,  
F. T. GRONVOLD,  
A. W. FOWLER,  
BEN GILBERTSON,  
E. C. STUCKE,  
TOM WHELAN,  
MELVIN P. JOHNSON,  
JAMES W. GUTHRIE,  
WM. A. THATCHER,  
J. C. BLAISDELL, Jr.,  
C. W. FINE,  
J. P. CAIN, Chairman.

Senator Cain moved that the report be adopted.

Roll call demanded and granted.

#### ROLL CALL

The question being on the adoption of the majority report recommending indefinite postponement, the roll was called and there were ayes, 33; nays, 11; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Gronvold	Mutchler
Bilden	Guenther	Nelson, Barnes
Blaisdell	Guthrie	Strehlow
Brostuen	Johnson	Stucke
Cain	Kolpin	Thatcher
Coffey	Lavik	Topp
Drew	Lian	Vinje
Fine	Lynn	Watt
Fowler	Magoffin	Whelan



Messrs.	Messrs.	Messrs.
Fredrickson	McGillic	Wog
Gilbertson	Morrison	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Ettestad	Lemke	Skarvold
Greene	Lowe	Streibel
Kamrath	Olson	Thorson
Kroeber	Owings	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Crandall	Nelson, Grand Fks.	Williams
Hulteng	Trout	

So the report was adopted.

Senator Morrison: Mr. President, I will change my vote from "no" to "aye" for the purpose of reconsideration.

A minority of the Committee on Taxes and Tax Laws made the following report:

Mr. President: A minority of your Committee on Taxes and Tax Laws to whom was referred:

HOUSE CONCURRENT RESOLUTION "K"

Have had the same under consideration and recommend that the same be amended as follows:

Strike out all House amendments.

And when so amended recommend the same do pass.

AXEL OLSON,  
W. J. TROUT,  
ED. GREENE.

A majority of the Committee on Taxes and Tax Laws made the following report:

Mr. President: A majority of your Committee on Taxes and Tax Laws to whom was referred:

HOUSE CONCURRENT RESOLUTION "K"

Have had the same under consideration and recommend that the same be indefinitely postponed.

GUST WOG,  
G. F. DREW,  
WILLIAM KAMRATH,  
TOM WHELAN,  
A. W. FOWLER,  
O. E. BILDEN,  
OLE ETTESTAD,  
GEORGE V. COFFEY,  
J. T. MCGILLIC,  
J. K. BROSTUEN, Chairman.

Senator Brostuen moved that the report be adopted.

Senator Olson moved, as a substitute motion, that the report of the minority be substituted for the report of the majority.

Roll call demanded and granted.

### ROLL CALL

The question being on the adoption of the minority report recommending passage of House Concurrent Resolution "K", the roll was called and there were ayes, 20; nays, 27; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Fine	Lowe	Streibel
Gilbertson	Lynn	Stucke
Greene	Morrison	Thatcher
Johnson	Mutchler	Thorson
Lavik	Olson	Trout
Lemke	Owings	Williams
Lian	Skarvold	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Fredrickson	Nelson, Barnes
Bilden	Gronvold	Nelson, Grand Fks.
Blaisdell	Guenther	Strehlow
Brostuen	Guthrie	Topp
Cain	Kamrath	Vinje
Coffey	Kolpin	Watt
Drew	Kroeber	Whelan
Ettestad	Magoffin	Wog
Fowler	McGillie	Young

Absent and not voting:

Messrs.	Messrs.
Crandall	Hulteng

So the motion for adoption of the minority report was defeated.

The question being on the motion of Senator Brostuen, that the report of the majority be adopted, the motion prevailed and the report was adopted.

Senator Strehlow moved that the vote by which the majority report recommending indefinite postponement of House Concurrent Resolution "K" was adopted, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The Joint Committee on Employment introduced Senate Concurrent Resolution "T", providing for employment of mailing clerks, proofreaders, and stenographers to complete proofreading, mailing of Journals, etc., following the 60th day of the session.

Senator Whelan moved that the resolution be adopted.

## ROLL CALL

The question being on the adoption of Senate Concurrent Resolution "T", the roll was called and there were ayes, 43; nays, 0; absent and not voting, 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Owings
Bilden	Kolpin	Skarvold
Brostuen	Kroeber	Strehlow
Cain	Lavik	Streibel
Coffey	Lemke	Stucke
Drew	Lian	Thatcher
Ettestad	Lowe	Thorson
Fine	Lynn	Topp
Fowler	Magoffin	Vinje
Fredrickson	Morrison	Watt
Gilbertson	Mutchler	Whelan
Greene	Nelson, Barnes	Williams
Gronvold	Nelson, Grand Fks.	Wog
Guenther	Olson	Young
Guthrie		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Blaisdell	Hulteng	McGillic
Crandall	Johnson	Trout

So the resolution was adopted.

Senator Strehlow moved that the Senate give consideration to the Governor's Message relative to Senate Bill No. 7.

Senate Bill No. 7 and the Governor's Message relating thereto were referred to the Committee on Appropriations for investigation and report.

The Secretary announced that Senate Bill No. 82, which yesterday had been messaged to the House, was now back on the Secretary's desk without an accompanying message.

Senator Whelan moved that the Chair appoint a committee to investigate the facts surrounding the transmission of Senate Bill No. 82 to the House and its subsequent appearance on the desk of the Secretary of the Senate.

Which motion prevailed.

The President appointed the following committee: Senators Thorson, Johnson and Lynn.

## SECOND READING OF HOUSE BILLS

House Bill No. 53. A Bill for an Act Making It Unlawful to Encourage, Cause or Contribute to the Delinquency of a Minor.

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, 4; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Nelson, Barnes
Bilden	Johnson	Nelson, Grand Fks.
Blaisdell	Kamrath	Skarvold
Brostuen	Kolpin	Strehlow
Cain	Kroeber	Stucke
Coffey	Lavik	Thatcher
Drew	Lemke	Topp
Ettestad	Lian	Vinje
Fine	Lowe	Watt
Fredrickson	Lynn	Whelan
Gilbertson	Magoffin	Williams
Greene	Morrison	Wog
Gronvold	Mutchler	Young
Guenther		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Olson	Streibel	Thorson
Owings		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Crandall	Hulteng	Trout
Fowler	McGillic	

So the bill passed and the title was agreed to.

House Bill No. 58. A Bill for an Act to Amend and Re-enact Section 3352 of the 1913 Compiled Laws of North Dakota.

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 3; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Owings	Thorson
Fine	Skarvold	Trout
Greene	Streibel	Vinje
Lemke	Stucke	Wog
Olson	Thatcher	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Morrison
Blaisdell	Guthrie	Mutchler

Messrs.	Messrs.	Messrs.
Brostuen	Johnson	Nelson, Barnes
Cain	Kamrath	Nelson, Grand Fks.
Coffey	Kolpin	Strehlow
Drew	Kroeber	Topp
Ettestad	Lavik	Watt
Fowler	Lian	Whelan
Fredrickson	Lowe	Williams
Gilbertson	Lynn	Young
Gronvold	Magoffin	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Crandall	Hulteng	McGillic

So the bill was declared lost.

Senator Whelan moved that the vote by which House Bill No. 58 was lost be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 29. A Bill for an Act Amending and Re-enacting Section 1245 of Compiled Laws of North Dakota for the Year 1913 Relating to the Election of Officers of Special School Districts and Prescribing Qualifications Therefor.

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, 23; nays, 21; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Lavik	Skarvold
Bilden	Lemke	Strehlow
Brostuen	Lian	Streibel
Ettestad	Lynn	Trout
Greene	Magoffin	Vinje
Guthrie	Morrison	Whelan
Kolpin	Mutchler	Young
Kroeber	Owings	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Gilbertson	Nelson, Grand Fks.
Cain	Gronvold	Olson
Coffey	Guenther	Thatcher
Drew	Johnson	Thorson
Fine	Kamrath	Topp
Fowler	Lowe	Watt
Fredrickson	Nelson, Barnes	Wog

Absent and not voting:

Messrs.	Messrs.	Messrs.
Crandall	McGillic	Williams
Hulteng	Stucke	

So the bill was declared lost.

Senator Olson: I don't believe in making a monkey out of any farmer. Therefore I wish to vote "no" on this bill.

Senator Fine: I will change my vote from "aye" to "no" for the purpose of reconsideration.

Senator Etestad moved that the Senate do now adjourn.

Which motion prevailed.

The Senate stood adjourned.

#### COURTESIES OF THE FLOOR

The courtesies of the floor were extended to: Dr. Archie McGrey, St. Paul, Minn.; R. J. Young, LaMoure; Mrs. Geo. Jaff, Cleveland.

THOMAS McDONALD,  
Secretary.

## FIFTY-THIRD DAY

Senate Chamber,  
Bismarck, North Dakota,  
February 26, 1937.

The Senate convened at 2:00 P. M., pursuant to adjournment, the President presiding.

Prayer by the Chaplain, Rev. Ellis L. Jackson, Bismarck.

Roll call: All members present except Senator Hulteng.

Senator Lian moved that the absent Senator be excused.

Which motion prevailed.

REPORT OF COMMITTEE ON CORRECTION AND  
REVISION OF THE JOURNAL

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 Fifty-first Day after Recess and Fifty-second Day and recommend that the same be corrected as follows:

On page 1093, line 20, strike out the word "Senate" and insert the word "House".

And when so corrected recommend that the same be approved.

C. C. MORRISON,  
Chairman.

Senator Young moved that the report be adopted, which motion prevailed and the report was adopted.

## MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 26, 1937.

Mr. Speaker: I have the honor to return:

House Bill No. 15. A Bill for an Act to Encourage the Investment of Moneys in the State of North Dakota, and to

Encourage the Development of the Natural Resources of this State, and to Provide a Market for the Gas and Oil Deposits in this State, Including Those Owned by the State of North Dakota, and the Counties Thereof, and to Permit the Marketing of Such Natural Resources Through Interstate Pipe Lines, by Selling Therefrom to the State, County, and School Districts of Gas and Oil, Upon Condition that the Seller Purchase from Production or Produce in this State an amount of Gas or Oil at Least Equivalent to the Amount it Delivers to Said State, County and School District Building, and Requiring Such Sellers to Make Reports of Its Sale and Purchases and Production, Under Oath, and Providing a Penalty for Violation Thereof.

Which the Senate has amended as shown on page 926 of the Senate Journal and further amended as shown on page 1077 of the Senate Journal.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota.  
February 26, 1937.

Mr. Speaker: I have the honor to return herewith the following:

HOUSE CONCURRENT RESOLUTION "O"

Also,

HOUSE CONCURRENT RESOLUTION "Q"

Also:

House Bill No. 54. A Bill for an Act Prohibiting the Marriage of Minors Under the Supervision of the Juvenile Court or State Training School, Without Order of the Juvenile Court.

Also,

House Bill No. 83. A Bill for an Act to Amend and Re-enact Sections 4 and 6 of Chapter 92, Providing for the Consolidation of Counties and Parts of Counties; the Petition and Election Therefor; the Vote Thereon; Result Thereof; and Proclamation by the Governor; the Officers; Expiration of Their Terms and Transfer of all Books, Records and Property; Nominations When Void; the Transfer and Trial of All Actions; the Debts, Taxes and Issuance of Bonds or Certificates of Indebtedness, and Repealing All Acts in Conflict.

Also,

House Bill No. 77. A Bill for an Act Making an Appropriation to the Secretary of State for the Payment of the Cost of Printing the 1933-1934 Public Documents, and Declaring an Emergency.

Also,

House Bill No. 96. A Bill for an Act Making an Appropriation to Make Up the Deficits in the Fund Known as "The



Insurance Tax to Fire Departments" for the Purpose of Paying Insurance Tax to the Various Fire Departments of the State in Compliance With the Provisions of Sections 3993 to 3998, Inclusive, of the Compiled Laws of 1913.

Which the Senate has passed unchanged.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 26, 1937.

Mr. Speaker: I have the honor to return herewith the following bill:

House Bill No. 72. A Bill for an Act to Amend and Re-enact Section 3521 of the Compiled Laws of North Dakota for the Year 1931 as Amended by Section 1 of Chapter 286 of the Session Laws of North Dakota for the Year 1923, the Same Being Section 3521 of the Supplement of the Compiled Laws of North Dakota for the Year 1925, and as Amended by That Certain Initiated Law Entitled "An Act Reducing and Fixing Allowances for Mileage and Travel Expenses of County Officials and Their Deputies, and Repealing All Acts and Parts of Acts in so far as They Conflict Herewith, and Taking Effect July 30th, 1932, Excepting as to Elective Officials as to Whom It Shall Take Effect and Be in Force Upon Their Election and Qualification to Office Hereafter," Approved and Adopted by the Electors at the June 29th, 1932, Primary Election Relating to Allowances for Mileage and Travel Expense of County Officials and Their Deputies and Providing for an Itemized Statement of Such Mileage and Travel Expense, Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Which the Senate has indefinitely postponed.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 26, 1937.

Mr. Speaker: I have the honor to transmit herewith the following resolution:

#### SENATE CONCURRENT RESOLUTION "T"

Which the Senate has passed and your favorable consideration is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

## PETITIONS AND COMMUNICATIONS

The following petitions and communications were received, read from the desk, and referred to the appropriate committees:

A communication from Hazelton, commending action of Senator Fine and other progressive Senators who voted to outlaw compulsory military training and also those who voted against the bill granting divorce to non-residents of state.

A petition signed by the President of the Pierce County School Officers Association, asking that sales tax money be not diverted from State Equalization Fund; appropriation of five million dollars for next biennium to that fund; changes in equalization fund law to comply with recommendations of State Superintendent of Public Instruction; and passage of laws submitted or recommended by the North Dakota Educational Association, especially the 4-mill county tax, optional county unit plan, and the teachers' tenure law.

## MESSAGE FROM THE GOVERNOR

February 25th, 1937.

Members of the Senate,

Twenty-fifth Legislative Assembly.

Gentlemen:

I am herewith returning without my approval Senate Bill 55, an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items of the State Normal School at Valley City, North Dakota.

For the reasons stated in my veto of Senate Bill 56 I am disapproving also of this measure.

Respectfully,

WILLIAM LANGER,  
Governor.

W.L:jeb

Senator Fredrickson moved that the Governor's Message together with Senate Bill No. 55, be referred to the Judiciary Committee.

Which motion prevailed.

## MESSAGE FROM THE GOVERNOR

February 25th, 1937.

Members of the Senate,

Twenty-Fifth Legislative Assembly.

Gentlemen:

I am herewith returning without my approval Senate Bill 56, an Act Making an Appropriation for the General

Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Normal School at Mayville, North Dakota.

May I not state that I sincerely regret the action of your body in failing to provide the necessary revenue to maintain the governmental functions of our State? All of us are very familiar with the fact asserted by State Treasurer John Gray that North Dakota has only a very small sum of cash on hand. In addition to the tax on real property, the two percent sales tax and some smaller miscellaneous sources of revenue, it is well known that the taxpayers were looking to the enactment of an income tax measure.

To raise funds to meet the amount of money appropriated, it was essential to enact the emergency clause upon Senate Bill 70, providing for an income tax. This, your Honorable Body has refused to do. The vote on the emergency clause was ayes, 28; nays, 19; absent and not voting, 2. As it takes two-thirds of the members present and voting to enact an emergency clause, none was attached, with the result that a comparatively small group of citizens can refer the measure and prevent its going into effect upon July 1st.

Two years ago the income tax law then passed was referred, and I have already been informed that similar procedure is contemplated for this income tax law, which will not go into effect until July 1st. By the enactment of the emergency clause, the income tax law would have been in full force and effect, even if it was referred, until the people of North Dakota voted upon it, with the result that money would have been available with which to meet the expenses of maintaining our government.

You have appropriated many more millions of dollars than can possibly be paid by the sales tax. To the sales tax you enacted an emergency measure. The sales tax is essentially a tax upon the poor. It taxes the necessities of life; the bread, the milk, the butter, the eggs, the clothing needed by poor people. The sales tax is an emergency tax, and has always been considered as such in North Dakota.

The income tax is not an emergency tax. It is one of the fairest taxes in existence, because it taxes the taxpayer upon the amount of money that he makes. What tax could be fairer? As long as I am Governor, Gentlemen, it will never be said that I signed one measure taxing the poor and another measure allowing the rich to evade their just share of taxation.

In vetoing this bill I wish to make it plain that I have no personal enmity toward the State Normal School at Mayville, North Dakota, because I am also vetoing Senate Bill 55, providing appropriation for the State Normal School at Valley City, North Dakota; and I might as well state now that other vetoes of appropriations are going to follow.

Now, as well as at any other time, let the issue be clear to the people of this State that it is the policy of this administration to provide for the poor, the needy, the crippled, the aged, the blind and the destitute; that the feeble-minded and the insane will be taken care of; that we will take care of the

rural schools; but that the institutions of higher learning wherever they may be situated, will receive no funds with my concurrence until a just tax such as the income tax places a fair share of taxation upon the rich and wealthy, and to that extent lessens the burden upon the poor and the needy.

For the reasons above stated, I therefore disapprove of Senate Bill 56; and also wish to call your attention to the fact that there is apparently a clerical error of Three Thousand Dollars in subtraction on page two of the measure, which should be corrected in case you override my veto.

Respectfully,

WILLIAM LANGER,  
Governor.

WL:JEB

Senator Vinje moved that the Governor's Veto Message, together with Senate Bill No. 56, be referred to the Committee on Judiciary.

Which motion prevailed.

Senator Morrison moved that the Senate reconsider the vote by which House Bill No. 21 was indefinitely postponed.

Roll call demanded and granted.

#### ROLL CALL

The question being on the motion to reconsider the vote by which House Bill No. 21 was lost, the roll was called and there were ayes, 22; nays, 26; absent and not voting 1.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Owings
Bilden	Kolpin	Skarvold
Brostuen	Kroeber	Streibel
Coffey	Lemke	Thorson
Ettestad	Lynn	Trout
Fine	Magoffin	Wog
Greene	Morrison	
Johnson	Olson	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Guthrie	Stucke
Cain	Lavik	Thatcher
Crandall	Lian	Topp
Drew	Lowe	Vinje
Fowler	McGillic	Watt
Fredrickson	Mutchler	Whelan
Gilbertson	Nelson, Barnes	Williams
Gronvold	Nelson, Grand Fks.	Young
Guenther	Strehlow	

Absent and not voting:

Messrs.  
Hulteng

So the motion to reconsider was lost.

Senator Gilbertson moved that the vote by which House Bill No. 21 was lost be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Fine moved that the Senate reconsider the vote by which House Bill No. 29 was indefinitely postponed, which motion prevailed.

Senator Fine moved that House Bill No. 29 be placed upon second reading and final passage.

Which motion prevailed.

Senator Watt moved that House Bill No. 29 be amended as follows:

In line 13, page 2 of the printed bill, strike out the words "one member" and insert in lieu thereof the words "two members".

Which motion prevailed.

Senator Fine moved that the rules be suspended and House Bill No. 29 be placed upon Second Reading and Final Passage.

Which motion prevailed.

House Bill No. 29. A Bill for an Act Amending and Re-enacting Section 1245 of Compiled Laws of North Dakota for the Year 1913 Relating to the Election of Officers of Special School Districts and Prescribing Qualifications Therefor.

### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 36; nays, 11; absent and not voting 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Lemke	Streibel
Brostuen	Lian	Stucke
Crandall	Lowe	Thatcher
Ettestad	Lynn	Thorson
Fine	McGillic	Topp
Gilbertson	Morrison	Trout
Greene	Mutchler	Vinje
Guthrie	Nelson, Grand Fks.	Watt
Kamrath	Olson	Whelan
Kolpin	Owings	Williams
Kroeber	Skarvold	Wog
Lavik	Strehlow	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Drew	Johnson
Blaisdell	Fowler	Magoffin
Cain	Gronvold	Nelson, Barnes
Coffey	Guenther	

Absent and not voting:

Messrs.	Messrs.
Fredrickson	Hulteng

So the bill passed, the title was agreed to, and the emergency clause was declared carried.

Senator Owings moved that the vote by which House Bill No. 29 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 26, 1937.

Mr. Speaker: I have the honor to return:

House Bill No. 84. A Bill for an Act to Amend and Re-enact Sections Three (3) and Six (6) of Chapter 116 of the Session Laws of 1927, Relating to the Furnishing of Seed and Feed by Counties, and Declaring an Emergency.

Which the Senate has amended as shown on page 673 of the Senate Journal.

Very respectfully,

THOMAS McDONALD,  
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 RESOLUTION "P".

And find the same correctly enrolled.

WILLIAM KROEBER,  
Chairman.

Senator Kroeber moved that the report be adopted, which motion prevailed and the report was adopted.

#### REPORTS OF STANDING COMMITTEES

The Committee on Corporations made the following report:

Mr. President: Your Committee on Corporations to whom was referred House Bill No. 33,

Have had the same under consideration and recommend that the same do pass.

MILTON R. YOUNG,  
Chairman.

Senator Young moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Women's and Children's Welfare made the following report:

Mr. President: Your Committee on Women's and Children's Welfare to whom was referred House Bill No. 90,

Have had the same under consideration and recommend that the same be indefinitely postponed.

SYVER VINJE,  
Chairman.

Senator Vinje moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Vinje moved that the vote by which House Bill No. 90 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

The Committee on Railroads made the following report:

Mr. President: Your Committee on Railroads to whom was referred House Bill No. 122,

Have had the same under consideration and recommend that the same be indefinitely postponed.

A. W. FOWLER  
Chairman.

Senator Fowler moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Fowler moved that the vote by which House Bill No. 122 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The Committee on Banks and Banking made the following report:

Mr. President: Your Committee on Banks and Banking to whom was referred House Bill No. 71, have had the same under consideration and recommend that the same be indefinitely postponed.

MAX H. STREHLOW,  
Chairman.

Senator Strehlow moved that the report be adopted.

Senator Fine moved as a substitute motion that House Bill No. 71 be placed on the calendar.

Roll call demanded and granted.

#### ROLL CALL

The question being on motion to place House Bill No. 71

on the calendar, the roll was called and there were ayes, 17; nays, 29; absent and not voting 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Morrison	Stucke
Brostuen	Nelson, Barnes	Thatcher
Ettestad	Olson	Trout
Fine	Owings	Williams
Greene	Skarvold	Wog
Lemke	Streibel	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	McGillic
Blaisdell	Johnson	Mutchler
Cain	Kamrath	Nelson, Grand Fks.
Coffey	Kolpin	Strehlow
Crandall	Kroeber	Topp
Drew	Lavik	Vinje
Fowler	Lian	Watt
Gilbertson	Lowe	Whelan
Gronvold	Lynn	Young
Guenther	Magoffin	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fredrickson	Hulteng	Thorson

So the motion was declared lost.

The question then being on the motion of Senator Strehlow, the motion prevailed and the report was adopted.

Senator Strehlow moved that the vote by which House Bill No. 71 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The Committee on Railroads made the following report:

Mr. President: Your Committee on Railroads to whom was referred House Bill No. 123, have had the same under consideration and recommend that the same do pass.

A. W. FOWLER,  
Chairman.

Senator Fowler moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Railroads made the following report:

Mr. President: Your Committee on Railroads to whom was referred House Bill No. 124, have had the same under consideration and recommend that the same do pass.

A. W. FOWLER,  
Chairman.



Senator Fowler moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Insurance made the following report:

Mr. President: Your Committee on Insurance to whom was referred House Bill No. 163, have had the same under consideration and recommend that the same do pass.

GEORGE V. COFFEY,  
Chairman.

Senator Coffey moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Insurance made the following report:

Mr. President: Your Committee on Insurance to whom was referred House Bill No. 173, have had the same under consideration and recommend that the same do pass.

GEORGE V. COFFEY,  
Chairman.

Senator Coffey moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Insurance made the following report:

Mr. President: Your Committee on Insurance to whom was referred House Bill No. 196, have had the same under consideration and recommend that the same do pass.

GEORGE V. COFFEY,  
Chairman.

Senator Coffey moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Corporations made the following report:

Mr. President: Your Committee on Corporations to whom was referred House Bill No. 221, have had the same under consideration and recommend that the same do pass.

MILTON R. YOUNG,  
Chairman.

Senator Young moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Railroads made the following report:

Mr. President: Your Committee on Railroads to whom was referred House Bill No. 230, have had the same under consideration and recommend that the same be indefinitely postponed.

A. W. FOWLER,  
Chairman.

Senator Fowler moved that the report be adopted.

Senator Nelson of Barnes moved, as a substitute motion, that further consideration of the committee report on House Bill No. 230 be deferred one legislative day.

Which motion prevailed.

## MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 26, 1937.

Mr. Speaker: I have the honor to return

House Bill No. 29. A Bill for an Act Amending and Re-enacting Section 1245 of Compiled Laws of North Dakota for the Year 1913 Relating to the Election of Officers of Special School Districts and Prescribing Qualifications Therefor.

Which the Senate has amended as follows:

On page 2, lines 13 and 14 of the printed bill, strike out the words "one member" and insert in lieu thereof "two members".

Very respectfully,

THOMAS McDONALD,  
Secretary.

## REPORTS OF STANDING COMMITTEES

The Committee on Temperance made the following report:

Mr. President: Your Committee on Temperance to whom was referred House Bill No. 233, have had the same under consideration and recommend that the same do pass.

OLE ETTESTAD,  
Chairman.

Senator Ettestad moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Temperance made the following report:

Mr. President: Your Committee on Temperance to whom was referred House Bill No. 234, have had the same under consideration and recommend that the same do pass.

OLE ETTESTAD,  
Chairman.

Senator Ettestad moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Railroads made the following report:

Mr. President: Your Committee on Railroads to whom was referred House Bill No. 335, have had the same under consideration and recommend that the same be indefinitely postponed.

A. W. FOWLER,  
Chairman.

Senator Fowler moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Lynn moved that the vote by which House Bill No. 335 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The Committee on Taxes and Tax Laws made the following report:

Mr. President: Your Committee on Taxes and Tax Laws to whom was referred House Bill No. 249,

Have had the same under consideration and recommend that the same be amended as follows:

In the printed bill, on page 2, line 15, strike out the words "by law", and insert the word "herein".

On page 2, section 2, line 5, after the word "hearing", insert the word "may".

On page 3, line 12, after the word "Mailed" add a period, strike out the balance of the section.

On page 4, section 6, line 3, after the word "any" strike out the words "prior or".

And when so amended recommend the same do pass.

J. K. BROSTUEN,  
Chairman.

Senator Brostuen moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Elections made the following report:

Mr. President: Your Committee on Elections to whom was referred House Bill No. 254,

Have had the same under consideration and recommend that the same be indefinitely postponed.

E. F. MUTCHLER,  
Chairman.

Senator Thatcher moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Young moved that the vote by which House Bill No. 254 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The Committee on Temperance made the following report:

Mr. President: Your Committee on Temperance to whom was referred House Bill No. 260,

Have had the same under consideration and recommend that the same do pass.

OLE ETTESTAD,  
Chairman.

Senator Ettestad moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Public Health made the following report.

Mr. President: Your Committee on Public Health to whom was referred House Bill No. 291,

Have had the same under consideration and recommend that the same be amended as follows:

In Section 2 of the printed bill strike out all of lines 5 and 6 and insert the following: "shall include soaps only when medicinal or curative qualities are claimed therefor".

And when so amended recommended the same do pass.

G. F. DREW,  
Chairman.

Senator Stucke moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Taxes and Tax Laws made the following report:

Mr. President: Your Committee on Taxes and Tax Laws to whom was referred House Bill No. 304,

Have had the same under consideration and recommend that the same do pass.

J. K. BROSTUEN,  
Chairman.

Senator Brostuen moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Taxes and Tax Laws made the following report:

Mr. President: Your Committee on Taxes and Tax Laws to whom was referred House Bill No. 308,

Have had the same under consideration and recommend that the same be indefinitely postponed.

J. K. BROSTUEN,  
Chairman.

Senator Brostuen moved that the report be adopted.

Senator Thorson moved as a substitute motion that House Bill No. 308 be placed on the calendar.

Which motion prevailed.

The Committee on Elections made the following report:

Mr. President: Your Committee on Elections to whom was referred House Bill No. 311,

Have had the same under consideration and recommend that the same do pass.

E. F. MUTCHLER,  
Chairman.

Senator Kamrath moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Temperance made the following report:

Mr. President: Your Committee on Temperance to whom was referred House Bill No. 319,

Have had the same under consideration and recommend that the same do pass.

OLE ETTESTAD,  
Chairman.

Senator Ettestad moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Taxes and Tax Laws made the following report:

Mr. President: Your Committee on Taxes and Tax Laws to whom was referred House Bill No. 359,

Have have the same under consideration and recommend that the same do pass.

J. K. BROSTUEN,  
Chairman.

Senator Brostuen moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Temperance made the following report:

Mr. President: Your Committee on Temperance to whom was referred House Bill No. 373,

Have had the same under consideration and recommend that the same be indefinitely postponed.

OLE ETTESTAD,  
Chairman.

Senator Ettestad moved that the report be adopted, which motion prevailed and the report was adopted.

A report received from the Attorney General relative to investigation of irregularities as directed by Senate Resolution "L" was read from the desk.

The report was referred to the Committee on Insurance.

Senator Coffey moved that the report be printed in the Journal, which motion prevailed.

Bismarck, North Dakota,

February 25th, 1937.

To the Committee on Insurance,

State Senate,

Bismarck, North Dakota.

Gentlemen:

As instructed by resolution of your committee directing the Attorney General to investigate the irregularities and charges contained in Senate Resolution "L" and the apparent irregularities in the Hail Insurance Department set forth on Page 296 of the Senate Journal for January 30th, 1937, I beg to report that weather and road conditions have made

it impossible to investigate separately each of the hail insurance claims listed in that resolution. An investigation of each of those claims would necessitate personal contact with most of the parties interested therein and entail work lasting for several weeks at different points throughout the State. I assigned one of my assistants to do this work, but it was found impossible to perform it at this time of the year and in the short period allowed for completing that investigation, and for that reason it is impossible to make a report on each listed claim separately, and we shall confine our remarks in this report to the conclusions arrived at in the former report made by the State Examiner of the affairs of this Department, which report is dated June 8th, 1936, and is herewith submitted. That report of the State Examiner was very carefully made on a thorough examination of the facts attending each matter found in that Department which in the opinion of the State Examiner was subject to to either criticism or further investigation.

In connection with that report of the State Examiner, I desire to call your attention specifically to the following items and to the statement of facts relating to each item as found by the State Examiner:

(a) At Page 105 of the report is found a list of claims that were readjusted by the Department after a first adjustment of the loss therein mentioned had apparently been found satisfactory to the claimants except one. The readjustments so made caused a loss to the Department of approximately \$581.23, which loss could have been avoided in part at least if the statutory procedure for adjustment of hail losses had been strictly followed by the Department. The readjustment so made may have been justifiable, but to permit claimants to have a readjustment of their claims made after they have consented to the allowance made by the first adjuster is, in my opinion, at least irregular and subject to criticism, and should be further investigated in an effort to determine the real reasons for the change made by the Department in the first adjustment.

(b) At Page 122 of the State Examiner's report is found the state of facts relating to the so-called William Gerhardt claim. The facts as found by the Examiner are fully set forth in the report, and in our opinion the correctness of the allowance of this claim is very doubtful. Furthermore, the changes in the records of this claim should be further investigated to determine whether or not they are justified under the facts, or if they were made merely to justify a payment of loss that under the law should have been rejected.

(c) At Pages 108 and 109 of the State Examiner's report are listed claims that were first rejected when received, and that were later reinstated. The reinstatement of some of these claims was undoubtedly justifiable, but the real reasons for their reinstatement should be further investigated, and in many of them the record in the Department is incomplete and insufficient to determine from the records only whether or not such reinstatements were regular.

(d) On Pages 118, 119 and 120 of the State Examiner's report are found the facts relating to the allowance of the so-called Kjelgaard claims. Apparently some changes were made in the records of this hail loss claim, and if the statement contained in the Examiner's report is correct, the reason for such a change should be investigated, as such a practice of changing the date of receipt of official documents in that Department is at least irregular and should be explained.

(e) At Pages 114 and 115 of the State Examiner's report are found the facts relating to the allowance of the so-called Axel Person claim. The facts there stated require no comments to show that if they are correct the discrepancy between the allowance made by the adjuster and the one finally paid by the Department should be investigated. Some employee in the Department increased the allowance without any apparent reason by an amount of approximately \$150.00, and the handling of that increased amount was in such manner as to raise grave doubts that it was done for the purpose later claimed by the employee of the Department responsible for such increase. It would appear from the statement of facts given by the State Examiner that a part at least of the proceeds of the claim as allowed were misappropriated by some one at the detriment of the hail fund, and that this increase was unwarranted under the facts disclosed by the records.

(f) At Page 121 of the State Examiner's report are found the facts relating to the payment of the so-called I. K. Skauge hail loss claim amounting to \$313.25. Apparently this claim was paid after it had been rejected, and no justifiable reason appears on the records for this procedure. A personal bond was posted by the claimant to indemnify the Department should the payment of this claim be found to be irregular or unjustifiable under the law, but in my opinion, the officer in charge of this matter had no valid reasons for allowing this rejected claim in the manner he did, and there is no statutory provision allowing him to do so. I am informed that such procedure has been previously followed in the Department, but if that is correct, it should be discontinued as irregular.

(g) At Pages 99, 100, 101 and 102 of the State Examiner's report are found the facts relating to the so-called Van Berkom-Anderson-Lundquist hail loss claims of 1931, and which were paid in 1935 in accordance with a compromise made pursuant to recommendation of the arbitrator appointed by the Department. The statute places a limitation of one year within which an action may be commenced on any rejected claim. Whether or not the Department may waive that statute of limitations is a question which is not free from doubt. In my opinion, these claims should not have been paid and the statute of limitations should have been taken advantage of, and the practice here followed is at least irregular and should not have been followed. The Department had a good statutory defense against any suit that might be brought on those claims and there does not appear to have been any valid reasons why that defense was waived.

(h) At Page 124a of the State Examiner's report is found a statement relating to the so-called claims of John McLean and George F. Zander. It is admitted in connection with these claims that a former employee of the Hail Department, no longer in the employ of that department, forged the signatures of the claimants on the warrants issued therefor and embezzled the proceeds, but when the embezzlement was discovered the statute of limitation had run against a criminal prosecution and that employee could no longer be criminally prosecuted for this embezzlement. However, civil actions were immediately commenced for the recovery of those embezzlements, and the amount of one of these claims was recovered back for the Department and the civil action in connection with the other claim is yet pending. In my opinion the issuance of new warrants to the claimant in lieu of those that had been embezzled by the State employee was regular and permissible. What is said here with respect to these two last mentioned claims applies equally to the so-called John Stern claim referred to at Page 124 of the State Examiner's report.

In conclusion I desire to state that in my opinion the Judge of the District Court of Burleigh County should be requested to call a grand jury to investigate all matters pertaining to the Hail Insurance Department, and more specifically the payment by that Department of claims that had been previously rejected, the apparent changes made in the records of that Department by its employees as disclosed by the State Examiner's report and the practice followed in handling those claims. A private investigation of these claims cannot be as thorough and effective as a grand jury investigation would be. In my opinion, such a grand jury investigation is necessary to bring out the real facts and is warranted by the facts stated in the State Examiner's report of that Department.

Respectfully submitted,

P. O. SATHRE,  
Attorney General of the State of  
North Dakota

By CHAS. A. VERRET,  
Assistant Attorney General.

CAV\*RGM

Senator Coffey moved that House Bill No. 79 be placed at the foot of the calendar, which motion prevailed.

#### SENATE CONCURRENT RESOLUTION "U",

Introduced by Senator Strehlow

A Senate Concurrent Resolution Providing for a Resolution Memorializing the Congress of the United States and the Congressional Delegation from the State of North Dakota, and the Secretary of Agriculture of the United States, to Pass a Bill in Congress Known as H R 4009, Authorizing the Appropriation of \$50,000,000 to Aid the Various States in Their Fight on Noxious Weeds.

Was read the first time.



Senator Strehlow moved that the rules be suspended and Senate Concurrent Resolution "U" be adopted.

Which motion prevailed and the resolution was adopted.

SECOND READING OF HOUSE BILLS

House Bill No. 37. A Bill for an Act to Amend and Re-enact Section 1160 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to the Organization of Common School Districts.

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, 2; absent and not voting 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Nelson, Barnes
Bilden	Guthrie	Nelson, Grand Fks.
Blaisdell	Johnson	Owings
Brostuen	Kamrath	Skarvold
Cain	Kolpin	Strehlow
Coffey	Kroeber	Streibel
Crandall	Lavik	Stucke
Drew	Lemke	Thatcher
Ettestad	Lian	Topp
Fine	Lynn	Vinje
Fowler	Magoffin	Watt
Fredrickson	McGillic	Whelan
Gilbertson	Morrison	Wog
Greene	Mutchler	Young
Gronvold		

Those voting in the negative were:

Messrs.	Messrs.	
Olson	Thorson	
Absent and not voting:		
Messrs.	Messrs.	Messrs.
Hulteng	Trout	Williams
Lowe		

So the bill passed and the title was agreed to.

MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 26, 1937.

Mr. Speaker: I have the honor to transmit herewith the following resolution:

SENATE CONCURRENT RESOLUTION "U".

Which the Senate has adopted and your favorable consideration is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

## SECOND READING OF HOUSE BILLS

House Bill No. 47. A Bill for an Act Making an Appropriation for the Purpose of Paying Travel Expenses of the Office of the State Examiner, as Provided by Chapter 71, Session Laws of 1933.

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, 27; nays, 18; absent and not voting 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Brostuen	Kamrath	Stucke
Cain	Kroeber	Thatcher
Fine	Lemke	Thorson
Fowler	Lynn	Topp
Fredrickson	Magoffin	Vinje
Gilbertson	Morrison	Watt
Gronvold	Nelson, Barnes	Whelan
Guenther	Nelson, Grand Fks.	Williams
Guthrie	Streibel	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Ettestad	Mutchler
Bilden	Johnson	Olson
Blaisdell	Kolpin	Owings
Coffey	Lavik	Skarvold
Crandall	Lian	Strehlow
Drew	McGillic	Wog

Absent and not voting:

Messrs.	Messrs.	Messrs.
Greene	Lowe	Trout
Hulteng		

So the bill passed and the title was agreed to, but the emergency clause was lost.

Senator Gilbertson: Mr. President: I change my vote from "no" to "aye" for the purpose of reconsideration.

House Bill No. 104. A Bill for an Act to Amend and Re-enact Section 1265 of the Compiled Laws of 1913, Relating to Candidates and the Official Ballot at Elections in Special School Districts.

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, 13; absent and not voting 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Skarvold
Bilden	Lavik	Strehlow
Brostuen	Lemke	Streibel
Cain	Lian	Stucke
Crandall	Lowe	Topp
Drew	Lynn	Vinje
Ettestad	McGillic	Watt
Fine	Morrison	Whelan
Fowler	Mutchler	Williams
Fredrickson	Nelson, Barnes	Wog
Gilbertson	Owings	Young
Guthrie		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Johnson	Nelson, Grand Fks.
Coffey	Kolpin	Olson
Greene	Kroeber	Thatcher
Gronvold	Magoffin	Thorson
Guenther		

Absent and not voting:

Messrs.	Messrs.
Hulteng	Trout

So the bill passed and the title was agreed to.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
February 26, 1937.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to House Bill No. 29.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### SECOND READING OF HOUSE BILLS

House Bill No. 105. A Bill for an Act to Amend and Re-enact Section 1151 of the Compiled Laws of 1913, as Amended and Re-enacted by Chapter 237, Session Laws of 1927, Relating to Election of Officers of Common School Districts, and Prescribing Qualifications Therefor.

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, 11; absent and not voting 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Skarvold
Bilden	Kolpin	Strehlow
Brostuen	Lavik	Streibel
Cain	Lian	Stucke
Crandall	Lowe	Thorson
Drew	Lynn	Trout
Ettestad	Magoffin	Vinje
Fine	McGillic	Watt
Fowler	Morrison	Whelan
Fredrickson	Mutchler	Williams
Gilbertson	Nelson, Barnes	Wog
Guthrie	Owings	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Guenther	Olson
Coffey	Johnson	Thatcher
Greene	Lemke	Topp
Gronvold	Nelson, Grand Fks.	

Absent and not voting:

Messrs.	Messrs.
Hulteng	Kroeber

So the bill passed and the title was agreed to.

Senator Trout moved that House Bill No. 133 be amended by striking out the Senate amendment appearing on page 722 of the Senate Journal.

Which motion prevailed.

Senator Trout moved that the rules be suspended and House Bill No. 133 be placed upon Second Reading and Final Passage.

Which motion prevailed.

House Bill No. 133. A Bill for an Act to Amend and Re-enact Section 1190 of the 1925 Supplement to the 1913 Compiled Laws of the State of North Dakota, as the Same Was Amended by Chapter 243 of the 1927 Session Laws of the State, Relating to Consolidation of Schools and Transportation of Pupils; and Repealing Certain Acts in Conflict.

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, 19; nays, 27; absent and not voting 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Johnson	Skarvold
Blaisdell	Lemke	Streibel

Messrs.	Messrs.	Messrs.
Cain	Lynn	Stucke
Fine	Morrison	Thorson
Fowler	Mutchler	Trout
Fredrickson	Olson	Vinje
Gilbertson		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Nelson, Grand Fks.
Brostuen	Kamrath	Owings
Coffey	Kolpin	Strehlow
Crandall	Kroeber	Topp
Drew	Lavik	Watt
Ettestad	Lowe	Whelan
Greene	Magoffin	Williams
Gronvold	McGillic	Wog
Guenther	Nelson, Barnes	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Hulteng	Lian	Thatcher

So the bill was declared lost.

Senator Aasen moved that the vote by which House Bill No. 133 was lost be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Lynn moved that the Senate do now recess for five minutes, which motion prevailed.

The Senate reconvened pursuant to recess taken.

#### MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
February 26, 1937.

Mr. President: I have the honor to return herewith Senate Bill No. 57, which the House has amended.

Amendments are found on page 1010 of the House Journal.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 26, 1937.

Mr. President: I have the honor to return herewith the following bill:

Senate Bill No. 5. A Bill for an Act Making an Appropriation for the Inspection and Eradication of Bee Diseases,

Under the Provisions of Sections 2790a1-2790a18 of the Supplement to the 1913 Compiled Laws of North Dakota.

Which the House has amended.

Amendments are on page 1012 of the House Journal.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 26, 1937.

Mr. President: I have the honor to return herewith the following bill:

Senate Bill No. 72. A Bill for an Act Relating to the Foreclosure of Real Estate Mortgages and Land Contracts, Providing What the Judgment and Decree Shall Contain, and Prohibit any Deficiency Judgments.

Which the House has passed unchanged.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 26, 1937.

Mr. President: I have the honor to return herewith the following bills:

Senate Bill No. 214. A Bill for an Act to Amend and Re-enact Section 3314a6 of the Supplement to the Compiled Laws of 1913, Providing that all Expenditures Must Conform to the County Budget as Adopted; Providing that no Bill Incurred in Excess of Any Budget Item May Be Paid or Included in Any Succeeding Appropriation or Budget, and Defining Duties of County Auditor.

Also,

Senate Bill No. 148. A Bill for an Act to Amend and Re-enact Chapter 94 of the Session Laws for the Year 1929, and Chapter 267 of the Session Laws for the Year 1935, Relating to the Custodian of the State Capitol and Grounds and Describing His Power, Duties and Appointing Such Custodian.

Which the House has indefinitely postponed.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota.  
February 26, 1937.

Mr. President: I have the honor to transmit herewith the following resolution:

JOINT MEMORIAL RESOLUTION "B-1".

Which the Speaker has signed and your signature is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 26, 1937.

Mr. President: I have the honor to transmit herewith the following resolutions:

HOUSE CONCURRENT RESOLUTION "E-1".

Also,

HOUSE CONCURRENT RESOLUTION "D-1".

Which the House has passed and your favorable consideration is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 26, 1937.

Mr. President: I have the honor to transmit herewith the following bills:

House Bill No. 27. A Bill for an Act Making an Appropriation to Pay the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items of the Experiment Station at the Agricultural College, Fargo, North Dakota and its Branch Stations.

Also,

House Bill No. 28. A Bill for an Act Making an Appropriation to Pay the General Maintenance, and as an Offset for Federal Aid, in Extension Division Work of the Agricultural College.

Also,

House Bill No. 24. A Bill for an Act Making an Appropriation to Pay for the General Maintenance, Improvements and

Repairs, Equipment and Miscellaneous Expenses of the State University at Grand Forks, North Dakota.

Also,

House Bill No. 25. A Bill for an Act Making a Special Appropriation to Pay for the General Maintenance of the School of Medicine at the State University, Grand Forks, North Dakota.

Also,

House Bill No. 26. A Bill for an Act Making an Appropriation to Pay the General Maintenance, Improvements and Repairs, Equipment, Miscellaneous and Public Service of the Agricultural College, Fargo, North Dakota.

Also,

House Bill No. 44. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses for the Tuberculosis Sanatorium at San Haven, North Dakota.

Which the Speaker has signed and your signature is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign:

#### SENATE RESOLUTION "P".

Also,

House Bill No. 27. A Bill for an Act Making an Appropriation to Pay the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items of the Experiment Station at the Agricultural College, Fargo, North Dakota and its Branch Stations.

Also,

House Bill No. 28. A Bill for an Act Making an Appropriation to Pay the General Maintenance, and as an Offset for Federal Aid, in Extension Division Work of the Agricultural College.

Also,

House Bill No. 24. A Bill for an Act Making an Appropriation to Pay for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State University at Grand Forks, North Dakota.

Also,

House Bill No. 25. A Bill for an Act Making a Special Ap-



proprietion to Pay for the General Maintenance of the School of Medicine at the State University, Grand Forks, North Dakota.

Also,

House Bill No. 26. A Bill for an Act Making an Appropriation to Pay the General Maintenance, Improvements and Repairs, Equipment, Miscellaneous and Public Service of the Agricultural College, Fargo, North Dakota.

Also,

House Bill No. 44. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses for the Tuberculosis Sanatorium at San Haven, North Dakota.

Also,

#### JOINT MEMORIAL RESOLUTION "B-1"

And the President signed the same in the presence of the Senate.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 26, 1937.

Mr. Speaker: I have the honor to return herewith the following bills:

House Bill No. 24. A Bill for an Act Making an Appropriation to Pay for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State University at Grand Forks, North Dakota.

Also,

House Bill No. 25. A Bill for an Act Making a Special Appropriation to Pay for the General Maintenance of the School of Medicine at the State University, Grand Forks, North Dakota.

Also,

House Bill No. 26. A Bill for an Act Making an Appropriation to Pay the General Maintenance, Improvements and Repairs, Equipment, Miscellaneous and Public Service of the Agricultural College, Fargo, North Dakota.

Also,

House Bill No. 27. A Bill for an Act Making an Appropriation to Pay the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items of the Experiment Station at the Agricultural College, Fargo, North Dakota and its Branch Stations.

Also,

House Bill No. 28. A Bill for an Act Making an Appropriation to Pay the General Maintenance, and as an Offset for Federal Aid, in Extension Division Work of the Agricultural College.

Also,

House Bill No. 44. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses for the Tuberculosis Sanatorium at San Haven, North Dakota.

Which the President has signed.

Very respectfully,

THOMAS McDONALD,  
Secretary.

### SECOND READING OF HOUSE BILLS

House Bill No. 39. A Bill for an Act Providing for the Regulation of Roving Grain Buyers, Other Than Public Warehouses or Public Warehousemen and Track Buyers, and Defining Who Are Such Roving Grain Buyers; Act Not Applicable to Whom; License and Bond Required; Powers and Duties of Railroad Commission; Granting the Board of Railroad Commissioners Power to Make Rules and Regulations Governing the Business of Roving Grain Buyers; Records Required by Dealers; Appropriating the Fees Collected to the Use of the Board of Railroad Commissioners for the Administration and Enforcement of the Act; Penalty for Violation of Act.

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, 29; nays, 13; absent and not voting 7.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Nelson, Barnes
Bilden	Guthrie	Skarvold
Blaisdell	Kolpin	Stucke
Brostuen	Kroeber	Thatcher
Coffey	Lavik	Trout
Ettestad	Lemke	Vinje
Fine	Lynn	Watt
Fowler	McGillic	Williams
Fredrickson	Morrison	Wog
Gronvold	Mutchler	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Gilbertson	Magoffin	Streibel
Greene	Olson	Thorson
Johnson	Owings	Topp
Kamrath	Strehlow	Young
Lowe		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Cain	Hulteng	Nelson, Grand Fks.
Crandall	Lian	Whelan
Drew		

So the bill passed and the title was agreed to.

Senator Watt moved that the vote by which House Bill No. 39 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Gronvold requested that the Senate return to the Seventh Order of Business.

Which request was granted.

Senator Gronvold moved that the courtesies of the floor be extended to former State Treasurer Gunder Olson of Fargo.

Which motion prevailed.

House Bill No. 81. A Bill for an Act Extending the Definition of "Villages" to Include "Incorporated Towns" Where Such Towns Were Incorporated Under Any Law of the Territory of Dakota or of the State of North Dakota, and Repealing All Acts or Parts of Acts in Conflict Therewith.

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; 41; nays, 0; absent and not voting 8.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Owings
Bilden	Kamrath	Skarvold
Blaisdell	Kolpin	Strehlow
Brostuen	Kroeber	Streibel
Coffey	Lavik	Stucke
Ettestad	Lemke	Thorson
Fine	Lowe	Topp
Fowler	Lynn	Trout
Fredrickson	Magoffin	Vinje
Gilbertson	McGillie	Watt
Greene	Morrison	Williams
Gronvold	Mutchler	Wog
Guenther	Nelson, Barnes	Young
Guthrie	Olson	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Cain	Hulteng	Thatcher
Crandall	Lian	Whelan
Drew	Nelson, Grand Fks.	

So the bill passed and the title was agreed to.

House Bill No. 118. A Bill for an Act to Provide for Additional and Supplemental Assessments of Omitted Property for Benefits for Improvements Established, Constructed and Maintained Pursuant to Chapter 116, Laws of 1919, and to Amend Chapter 116, Laws of 1919.

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, 3; absent and not voting 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Nelson, Grand Fks.
Bilden	Kolpin	Owings
Blaisdell	Kroeber	Skarvold
Brostuen	Lavik	Strehlow
Coffey	Lemke	Streibel
Ettestad	Lian	Stucke
Fowler	Lowe	Topp
Fredrickson	Lynn	Trout
Gilbertson	Magoffin	Vinje
Greene	McGillic	Watt
Gronvold	Morrison	Williams
Guenther	Mutchler	Wog
Guthrie	Nelson, Barnes	Young
Johnson		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Fine	Olson	Thorson

Absent and not voting:

Messrs.	Messrs.	Messrs.
Cain	Drew	Thatcher
Crandall	Hulteng	Whelan

So the bill passed and the title was agreed to.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 26, 1937.

Mr. Speaker: I have the honor to return herewith the following resolution:

#### JOINT MEMORIAL RESOLUTION "B-1".

Which the President has signed.

Very respectfully,

THOMAS McDONALD,  
Secretary.

## SECOND READING OF HOUSE BILLS

House Bill No. 170. A Bill for an Act to Provide That the School Census in All Types of School Districts Shall Be Conducted in Odd Numbered Years Only.

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, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Olson
Bilden	Kolpin	Owings
Blaisdell	Kroeber	Skarvold
Brostuen	Lavik	Strehlow
Coffey	Lemke	Streibel
Ettestad	Lian	Stucke
Fine	Lowe	Thorson
Fowler	Lynn	Topp
Fredrickson	Magoffin	Trout
Gilbertson	McGillic	Vinje
Greene	Morrison	Watt
Gronvold	Mutchler	Williams
Guenther	Nelson, Barnes	Wog
Guthrie	Nelson, Grand Fks.	Young
Johnson		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Cain	Drew	Thatcher
Crandall	Hulteng	Whelan

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

House Bill No. 179. A Bill for an Act Making it Unlawful to Obtain or Attempt to Obtain Relief by False and Fraudulent Representation.

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, 33; nays, 9; absent and not voting 7.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kolpin	Nelson, Grand Fks.
Blaisdell	Kroeber	Strehlow
Brostuen	Lavik	Stucke
Ettestad	Lemke	Thorson
Fowler	Lian	Topp

Messrs.	Messrs.	Messrs.
Gilbertson	Lynn	Trout
Greene	Magoffin	Vinje
Gronvold	McGillic	Watt
Guenther	Morrison	Williams
Guthrie	Mutchler	Wog
Johnson	Nelson, Barnes	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Coffey	Kamrath	Owings
Fine	Lowe	Skarvold
Fredrickson	Olson	Streibel

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Drew	Thatcher
Cain	Hulteng	Whelan
Crandall		

So the bill passed and the title was agreed to.

Senator Cain requested that the Senate return to the 7th order of business. Which request was granted.

Senator Cain stated that Senators Drew, Whelan, Crandall and himself had been absent for nearly an hour on committee work and requested that the record show they were excused for this purpose.

The President announced the record would show the Senators were excused.

House Bill No. 229. A Bill for an Act to Repeal Chapter 267 of the 1935 Session Laws, the Same Being an Amendment and Re-enactment of Chapter 94 of the Session Laws of the State of North Dakota for the Year 1929, Relating to the Custodian of the Capitol Building and Grounds, Describing His Duties, Powers and Compensation and Appointing of Such Custodian.

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, 5; absent and not voting, 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Skarvold
Bilden	Kolpin	Strehlow
Blaisdell	Lavik	Streibel
Brostuen	Lemke	Stucke
Coffey	Lian	Thorson
Ettestad	Lowe	Topp
Fine	Lynn	Trout
Fowler	Magoffin	Vinje

Messrs.	Messrs.	Messrs.
Fredrickson	McGillic	Watt
Greene	Morrison	Williams
Guenther	Mutchler	Wog
Guthrie	Olson	Young
Johnson	Owings	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Gilbertson	Kroeber	Nelson, Grand Fks.
Gronvold	Nelson, Barnes	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Cain	Drew	Thatcher
Crandall	Hulteng	Whelan

So the bill passed and the title was agreed to.

#### MESSAGE TO THE SENATE

House of Representatives,  
Bismarck, North Dakota,  
February 26, 1937.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to House Bill No. 84.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### SECOND READING OF HOUSE BILLS

House Bill No. 180. A Bill for an Act to Amend and Re-enact Section 10 of Chapter 97 of the Session Laws of 1933, Providing Duty of Relative to Aid and Right of Recovery by County or County Welfare Board.

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, 24; nays, 19; absent and not voting 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Mutchler
Bilden	Guthrie	Nelson, Barnes
Blaisdell	Kroeber	Stucke
Brostuen	Lavik	Topp
Fine	Lemke	Trout
Fowler	Lynn	Vinje
Fredrickson	Magoffin	Watt
Gilbertson	McGillic	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Coffey	Lian	Skarvold
Ettestad	Lowe	Strehlow
Greene	Morrison	Streibel
Gronvold	Nelson, Grand Fks.	Thorson
Johnson	Olson	Williams
Kamrath	Owings	Wog
Kolpin		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Cain	Drew	Thatcher
Crandall	Hulteng	Whelan

So the bill was lost.

The President called Senator Wog, President pro tem, to the chair.

#### MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
February 26, 1937.

Mr. President: I have the honor to inform you that the House has refused to concur in the Senate amendment to House Bill No. 15 and the Speaker has appointed as a conference committee to act with a like committee from the Senate, Representatives Morland, Day and Ritter.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 26, 1937.

Mr. President: I have the honor to inform you that the House has refused to concur in the Senate amendments to House Bill 45 and the Speaker has appointed Frazier, Greiser and Morris to confer with a like committee from the Senate on the bill.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### SECOND READING OF HOUSE BILLS

House Bill No. 177. A Bill for an Act Authorizing the Secretary of Agriculture and Labor to Issue an Official Brand Book Showing All the Livestock Brands Now of Record in His Office, Making the Same Receivable in Evidence as



Proof of Brands and the Ownership Thereof, and Making an Appropriation 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, 25; nays, 15; absent and not voting, 9.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kolpin	Streibel
Brostuen	Kroeber	Thorson
Coffey	Lemke	Topp
Fine	Lian	Vinje
Fredrickson	Lowe	Watt
Gilbertson	Magoffin	Williams
Gronvold	Morrison	Wog
Guenther	Nelson, Grand Fks.	Young
Kamrath		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Bilden	Johnson	Olson
Blaisdell	Lavik	Owings
Ettestad	McGillic	Skarvold
Greene	Mutchler	Strehlow
Guthrie	Nelson, Barnes	Trout

Absent and not voting:

Messrs.	Messrs.	Messrs.
Cain	Fowler	Stucke
Crandall	Hulteng	Thatcher
Drew	Lynn	Whelan

So the bill passed and the title was agreed to and the emergency clause was declared lost.

Senator Thorson moved that the vote by which House Bill No. 177 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The President resumed the chair.

Senator Fredrickson moved that the Senate reconsider the vote by which House Bill No. 177 was passed, which motion prevailed.

### 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, 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kolpin	Owings
Bilden	Kroeber	Skarvold
Blaisdell	Lavik	Strehlow
Brostuen	Lemke	Streibel
Coffey	Lian	Stucke
Ettestad	Lowe	Thatcher
Fine	Lynn	Thorson
Fowler	Magoffin	Topp
Fredrickson	McGillic	Trout
Gilbertson	Morrison	Vinje
Greene	Mutchler	Watt
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young
Kamrath		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Cain	Drew	Johnson
Crandall	Hulteng	Whelan

So the bill passed and the title was agreed to and the emergency clause was declared carried.

Senator Strehlow moved that the vote by which House Bill No. 177 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Brostuen moved that House Bill No. 178 be placed at the foot of the calendar.

Which motion prevailed.

Senator Morrison moved that permission be granted to correct page 1077 of the Senate Journal as follows:

In line 36 strike out the figure "4" and insert the figure "2".

Which motion prevailed.

Senator Fowler moved that House Bill No. 178 be placed at the head of the calendar.

Which motion prevailed.

Senator Fowler moved that House Bill No. 178 be amended as follows:

On page 2 of the printed bill, line 10, strike out the words "said fund" and insert the words "the appropriation made in Section 1 of this Act".

And in line 13, following the word "year" strike out the period, insert a comma, and add the following "for the 1937-1939 biennium".

Which motion prevailed.

Senator Fowler moved that the rules be suspended and House Bill No. 178 be placed upon Second Reading and Final Passage, as amended, which motion prevailed.

House Bill No. 178. A Bill for an Act Making an Appropriation for the Purpose of Paying Rental and Eliminating Toll Charges on the Great Northern Railway Company's Bridge Across the Yellowstone River in McKenzie County, North Dakota, and Authorizing the State Highway Commissioner to Enter Into a Contract With the Great Northern Railway Company to Provide Free Crossing to Vehicle and Traffic Over Said Bridge.

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, 48; nays, 0; absent and not voting 1.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Johnson	Owings
Blaisdell	Kamrath	Skarvold
Brostuen	Kolpin	Strehlow
Cain	Kroeber	Streibel
Coffey	Lavik	Stucke
Crandall	Lemke	Thatcher
Drew	Lian	Thorson
Ettestad	Lowe	Topp
Fine	Lynr	Trout
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young

Absent and not voting:

Messrs.  
Hulteng

So the bill passed and the title was agreed to.

### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 26, 1937.

Mr. Speaker: I have the honor to inform you that the Senate Journal, page 1077, showing the amendments to House Bill No. 15 has been corrected to read as follows:

In line 36, strike out the figure "4" and insert the figure "2".

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senator Brostuen moved that the Senate reconsider the vote by which House Concurrent Resolution "K" was indefinitely postponed.

Roll call demanded and granted.

#### ROLL CALL

The question being on motion to reconsider House Concurrent Resolution "K", the roll was called and there were ayes, 30; nays, 18; absent and not voting 1.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Lemke	Skarvold
Brostuen	Lian	Streibel
Ettestad	Lowe	Stucke
Fine	Lynn	Thatcher
Gilbertson	McGillic	Thorson
Greene	Morrison	Topp
Johnson	Mutchler	Trout
Kamrath	Nelson, Barnes	Vinje
Kolpin	Olson	Williams
Lavik	Owings	Wog

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Fowler	Magoffin
Blaisdell	Fredrickson	Nelson, Grand Fks.
Cain	Gronvold	Strehlow
Coffey	Guenther	Watt
Crandall	Guthrie	Whelan
Drew	Kroeber	Young

Absent and not voting:

Messrs.  
Hulteng

So the motion was declared lost for want of a two-thirds vote.

#### SECOND READING OF HOUSE BILLS

House Bill No. 223. A Bill for an Act Making an Appropriation for the Payment of the Expenses to Be Incurred by Boys' and Girls' Club Work at State and District Fairs.

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, 31; nays, 17; absent and not voting 1.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Guenther	Mutchler
Blaisdell	Guthrie	Nelson, Barnes

Messrs.	Messrs.	Messrs.
Brostuen	Johnson	Nelson, Grand Fks.
Cain	Lemke	Stucke
Coffey	Lian	Topp
Crandall	Lowe	Trout
Drew	Lynn	Vinje
Fowler	Magoffin	Watt
Fredrickson	McGillic	Whelan
Gilbertson	Morrison	Young
Gronvold		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Kroeber	Streibel
Ettestad	Lavik	Thatcher
Fine	Olson	Thorson
Greene	Owings	Williams
Kamrath	Skarvold	Wog
Kolpin	Strehlow	

Absent and not voting:

Hulteng

So the bill passed and the title was agreed to.

Senator Blaisdell moved that the vote by which House Bill No. 223 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Watt moved that the Senate do now adjourn, which motion prevailed. The Senate stood adjourned.

#### COURTESIES OF THE FLOOR

The courtesies of the floor were extended to:

Helena Schaefer, Bismarck; S. B. Erickson, David Cannell, Glen Ullin; J. F. Tester, Medora; Gunder Olson, Fargo; M. Mortenson, Valley City.

THOMAS McDONALD,  
Secretary.

## FIFTY-FOURTH DAY

Senate Chamber.  
Bismarck, North Dakota,  
February 27, 1937.

The Senate convened at 2:00 p. m. pursuant to adjournment, the President presiding.

Prayer by the Chaplain, Rev. Ellis L. Jackson, Bismarck.

Roll Call: All members present except Senators Hulteng and Kamrath.

Senator Nelson of Barnes moved the absent Senators be excused, which motion prevailed.

REPORT OF COMMITTEE ON REVISION AND  
CORRECTION OF THE JOURNAL

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 fifty-third day and recommend that the same be corrected as follows:

On page 1132, line 12 from bottom of page, strike out the word "Senate" and insert the word "House".

On page 1136, line 28, strike out the figures "33" and insert the figures "133".

On page 1150, strike out all of lines 31, 32 and 33, and insert the following: "Senator Morrison moved that permission be granted to correct page 1077 of the Senate Journal as follows:".

On page 1151, 12th line from bottom of page, strike out the word "from" and insert the word "to"; and at bottom of page, strike out "Minnie D. Craig, Chief Clerk" and insert "Thomas McDonald, Secretary."

And when so corrected recommend that the same be approved.

C. C. MORRISON,  
Chairman.

Senator Owings moved that the report be adopted, which motion prevailed and the report was adopted.

#### PETITIONS AND COMMUNICATIONS

The following petitions and communications were received, read from the desk, and referred to the appropriate committees:

A petition, signed by approximately 100 citizens of North Dakota, presented by Senator Owings, urging support of House Bill No. 193.

A petition signed by 16 citizens of Walhalla, urging defeat of House Bill No. 253.

#### 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 bill:

Senate Bill No. 72. A Bill for an Act Relating to the Foreclosure of Real Estate Mortgages and Land Contracts, Providing What the Judgment and Decree Shall Contain, and Prohibit any Deficiency Judgments.

And find the same correctly enrolled.

WM. KROEBER,  
Chairman.

Senator Kroeber moved that the report be adopted, which motion prevailed and the report was adopted.

The following resolution was filed with the Secretary of State:

#### SENATE RESOLUTION "P".

#### REPORTS OF STANDING COMMITTEES

The Committee on Warehouse and Grain Grading made the following report:

Mr. President: Your Committee on Warehouse and Grain Grading to whom was referred House Bill No. 307,

Have had the same under consideration and recommend that the same be indefinitely postponed.

HARRY C. LYNN,  
Chairman.

Senator Lynn moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Watt moved that the vote by which House Bill No.

307 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The Committee on Highways made the following report:

Mr. President: Your Committee on Highways to whom was referred House Bill No. 55,

Have had the same under consideration and recommend that the same be amended as follows:

Section 41, line 6, of the original bill, change the word "ninety" to "sixty".

And when so amended recommend the same do pass.

GUST WOG,  
Chairman.

Senator Wog moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Game and Fish made the following report:

Mr. President: Your Committee on Game and Fish to whom was referred House Bill No. 87,

Have had the same under consideration and recommend that the same be indefinitely postponed.

WM. J. LOWE,  
Chairman.

Senator Lowe moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Railroads made the following report:

Mr. President: Your Committee on Railroads to whom was referred House Bill No. 121,

Have had the same under consideration and recommend that the same do pass.

A. W. FOWLER,  
Chairman.

Senator Fowler moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Highways made the following report:

Mr. President: Your Committee on Highways to whom was referred House Bill No. 126,

Have had the same under consideration and recommend that the same be amended as follows:



In Section 1, of the original bill, strike out all of lines 14, 15, 16 and 17.

And when so amended recommend the same do pass.

GUST WOG,  
Chairman.

Senator Wog moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Railroads made the following report:

Mr. President: Your Committee on Railroads to whom was referred House Bill No. 140,

Have had the same under consideration and recommend that the same do pass.

A. W. FOWLER,  
Chairman.

Senator Fowler moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Ways and Means made the following report:

Mr. President: Your Committee on Ways and Means to whom was referred House Bill No. 193, have had the same under consideration and recommend that the same be amended as follows:

In Section 1, line 6, original bill, strike out the words "in the State of North Dakota" and insert in lieu thereof the words "within the county."

In Section 1, line 7, original bill, after the period, insert the words, "provided, however, that the governing board shall in their discretion, engage the services of any other licensed practitioner of the patient's choice residing within the state."

Strike out all of Section 2.

And when so amended recommend the same do pass.

ED. GREENE,  
Chairman.

Senator Greene moved that the report be adopted.

Senator Stucke moved that the amendment be printed in the Journal, and further consideration of the committee report deferred one legislative day.

Which motion prevailed.

The Committee on Ways and Means made the following report:

Mr. President: Your Committee on Ways and Means to whom was referred House Bill No. 207, have had the same under consideration and bring in the same without recommendations.

ED. GREENE,  
Chairman.

Senator Greene moved that House Bill No. 207 be placed on the calendar.

Which motion prevailed.

The Committee on Public Safety made the following report:

Mr. President: Your Committee on Public Safety to whom was referred House Bill No. 209, have had the same under consideration and recommend that the same do pass.

A. C. NELSON,  
Chairman.

Senator Nelson moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Railroads made the following report:

Mr. President: Your Committee on Railroads to whom was referred House Bill No. 212, have had the same under consideration and recommend that the same do pass.

A. W. FOWLER,  
Chairman.

Senator Fowler moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 217, have had the same under consideration and recommend that the same be amended as follows:

In line 13 of the title of the engrossed bill after the word "Repealing," strike out the following language: "Sections 5240, 5241 and 5242 of the Compiled Laws of North Dakota of 1913; Sections 5238a2 and 5239 of the 1925 Supplement to the Compiled Laws of North Dakota of 1913; and Section 5238 of the 1925 Supplement of the Compiled Laws of North Dakota of 1913, as Amended and Re-enacted by Chapter 99 of the Session Laws of North Dakota of 1929. And".

In line 1 of Section 27, strike out the following language: "Sections 5240, 5241 and 5242 of the Compiled Laws of North Dakota of 1913; Sections 5238a1, 5238a2 and 5239 of the 1925 Supplement to the Compiled Laws of North Dakota of 1913, as Amended and Re-enacted by Chapter 99 of the Session Laws of North Dakota for 1929, as Well as".

In line 6 of Section 27, capitalize the "a" in the word "all".

And when so amended recommend the same do pass.

J. P. CAIN,  
Chairman.

Senator Cain moved that the report be adopted, which motion prevailed and the report was adopted.

The Senate resumed consideration of the committee re-

port recommending that House Bill No. 230 be indefinitely postponed, action on which had been deferred one legislative day.

The question was on the motion of Senator Fowler that the report be adopted.

Senator Fine moved, as a substitute motion, that House Bill No. 230 be placed on the calendar.

Senator Fowler withdrew his motion for indefinite postponement.

The question being on the motion of Senator Fine to place House Bill No. 230 on the calendar, the motion prevailed.

The Committee on Mines and Minerals made the following report:

Mr. President: Your Committee on Mines and Minerals to whom was referred House Bill No. 239, have had the same under consideration and recommend that the same be amended as follows:

In the third line of the title of the engrossed bill, after the word "governing", insert the word "underground".

In the third line of Section 77 of the engrossed bill, strike out the word "a" and insert the words "an underground".

And when so amended recommend the same do pass.

WM. A. THATCHER,  
Chairman.

Senator Owings moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Agriculture and Livestock made the following report:

Mr. President: Your Committee on Agriculture and Livestock to whom was referred House Bill No. 246, have had the same under consideration and recommend that the same do pass.

HERMAN THORSON,  
Chairman.

Senator Young moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on State Affairs made the following report:

Mr. President: Your Committee on State Affairs to whom was referred House Bill No. 250, have had the same under consideration and recommend that the same do pass.

G. F. DREW,  
Chairman.

Senator Lynn moved that the report be adopted, which motion prevailed and the report was adopted.

## MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
February 27, 1937.

Mr. President: I have the honor to return herewith Senate Bill No. 119, which the House has amended.

Amendments are on page 1011, House Journal.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 27, 1937.

Mr. President: I have the honor to return herewith Senate Bill No. 81, which the House has amended.

Amendments are on page 1447, House Journal.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 27, 1937.

Mr. President: I have the honor to return herewith Senate Bill No. 52 which the House has amended.

Amendments are on page 1447, House Journal.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 27, 1937.

Mr. President: I have the honor to return herewith Senate Bill No. 104, which the House has amended.

Amendments are on page 1447, House Journal.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House Chamber,  
Bismarck, North Dakota,  
February 27, 1937.

Mr. President: I have the honor to return herewith Senate Bill No. 58, which the House has amended.

Amendments are on page 1448, House Journal.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 27, 1937.

Mr. President: I have the honor to return herewith Senate Bill No. 22, which the House has amended.

Amendments are on page 1478, House Journal.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 27, 1937.

Mr. President: I have the honor to return herewith the following bills:

Senate Bill No. 45. A Bill for an Act Making an Appropriation for the Payment of Expenses to Be Incurred and Premiums Paid by the North Dakota State Turkey Show.

Also,

Senate Bill No. 198. A Bill for an Act to Amend and Re-enact Section 2166 of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 241 of the Session Laws of North Dakota for 1929, and as Amended by Section 1 of Chapter 279 of the Session Laws of North Dakota for 1931; Section 2 of Chapter 279 of the Session Laws of North Dakota for 1931; Section 2169 and Section 2175 of the Compiled Laws of North Dakota for 1913; and Section 2178 of the Compiled Laws of North Dakota for 1913, as Amended by Section 1 of Chapter 122 of the Session Laws of North Dakota for 1935, Providing for the Delinquency of Personal Property Taxes, the Penalty Thereon and the Collection Thereof by the County Treasurer; Providing for a Lien for Delinquent Personal Taxes; Providing for Delinquent Tax Lists and the Duties of the Board of County Commissioners in Connection Therewith; Providing for the Duties of the County Treasurer and for His Neglect or Refusal to Perform His Duty in Connection Therewith, and for a penalty; Providing for the Fees for the Sheriff, or County Treasurer in Making Distress for Personal Taxes; Repealing Sections 2167, 2168 and 2173 of the Compiled Laws of North Dakota for 1913 and All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

Also,

Senate Bill No. 23. A Bill for an Act to Amend and Re-

enact Sections 2, 3 and 8 of Chapter 135, of the Session Laws of 1935, Relating to the Election of Presidential Electors, Precinct Committeemen; Delegates to National Conventions, National Committeemen and Committeewomen; for organization of County and State Committees, of Political Parties.

Also,

Senate Bill No. 125. A Bill for an Act to Amend and Re-enact Section 951, Compiled Laws of North Dakota of the Year 1913, as Amended by Chapter 136 of the Session Laws of 1927; Providing for Inspectors and Judges of Election, Their Qualifications and Duties.

Also,

Senate Bill No. 213. A Bill for an Act to Amend and Re-enact Section 2093 of the Supplement to the Compiled Laws of 1913, Defining Manner of Listing Real and Personal Property and Declaring an Emergency.

Also,

Senate Bill No. 232. A Bill for an Act to Amend and Re-enact Section 959 of the Supplement to the Compiled Laws of 1913 Relating to Election Ballots.

Also,

Senate Bill No. 185. A Bill for an Act Appropriating the Sum of One Thousand Two Hundred Forty Dollars and Fifty-one Cents (\$1,240.51) from the General Funds of the State of North Dakota to Compensate O. P. Shelstad for the Moneys Paid Out of His Own Funds for Necessary Expenses Incurred as State Dairy Commissioner, for the Payment of Which There was no Appropriation.

Also,

Senate Bill No. 138. A Bill for an Act to Amend and Re-enact Section 3839 of the Compiled Laws of North Dakota for the Year 1913.

Also,

SENATE CONCURRENT RESOLUTION "L."

Which the House has indefinitely postponed.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 27, 1937.

Mr. President: I have the honor to return herewith the following bills:

Senate Bill No. 65. A Bill for an Act to Amend and Re-

enact Section 6, of Chapter 108, of the Session Laws of 1935, Relating to Credit Unions in the State of North Dakota.

Also,

Senate Bill No. 54. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, New Building and Equipment for the State School of Science at Wahpeton, North Dakota.

Also,

Senate Bill No. 33. A Bill for an Act Making an Appropriation to Provide a State Contingency Fund to Be Placed at the Disposal of the State Emergency Commission to Be Used as Provided by Sections 283c1 to 283c6, Inclusive, and Section 283c10 of the Supplement to the Compiled Laws of 1913.

Also,

Senate Bill No. 53. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Normal and Industrial School at Ellendale, North Dakota.

Also,

Senate Bill No. 129. A Bill for an Act Making Provision for the Use of Business Records as Evidence and Making Uniform the Law with Reference Thereto.

Also,

Senate Bill No. 130. A Bill for an Act for the Judicial Notice of the Laws of Other Jurisdictions and for Proof Thereof and to Make Uniform the Law With Reference Thereto.

Which the House has passed unchanged.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### REPORTS OF STANDING COMMITTEES

The Committee on Public Health made the following report:

Mr. President: Your Committee on Public Health to whom was referred House Bill No. 106,

Have had the same under consideration and recommend that the same be amended as follows:

On the printed bill on page 5, line 37, after the word "of", strike out the remainder of Section (a) and insert, in lieu of, the following: "accompanying such officer transporting said patient to the State Hospital".

And when so amended recommend the same do pass.

E. C. STUCKE,  
Chairman.

Senator Stucke moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Public Health made the following report:

Mr. President: Your Committee on Public Health to whom was referred House Bill No. 107,

Have had the same under consideration and recommend that the same do pass.

E. C. STUCKE,  
Chairman.

Senator Stucke moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Public Health made the following report:

Mr. President: Your Committee on Public Health to whom was referred House Bill No. 108,

Have had the same under consideration and recommend that the same do pass.

E. C. STUCKE,  
Chairman.

Senator Stucke moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Public Health made the following report:

Mr. President: Your Committee on Public Health to whom was referred House Bill No. 109,

Have had the same under consideration and recommend that the same do pass.

E. C. STUCKE,  
Chairman.

Senator Stucke moved that the report be adopted.

Senator Fowler moved as a substitute motion that House Bill No. 109 be indefinitely postponed.

Senator Brostuen moved, as a substitute motion, that further consideration of House Bills. Nos. 109, 110 and 111 be deferred one legislative day.

Which motion prevailed.

#### MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 27, 1937.

Mr. Speaker: I have the honor to return herewith the following bills:

House Bill No. 39. A Bill for an Act Providing for the Regulation of Roving Grain Buyers, Other Than Public



Warehouses or Public Warehousemen and Track Buyers, and Defining Who Are Such Roving Grain Buyers; Act Not Amicable to Whom; License and Bond Required; Powers and Duties of Railroad Commission; Granting the Board of Railroad Commissioners Power to Make Rules and Regulations Governing the Business of Roving Grain Buyers; Records Required by Dealers; Appropriating the Fees Collected to the Use of the Board of Railroad Commissioners for the Administration and Enforcement of the Act; Penalty for Violation of Act.

Also,

House Bill No. 53. A Bill for an Act Making It Unlawful to Encourage, Cause or Contribute to the Delinquency of a Minor.

Also,

House Bill No. 223. A Bill for an Act Making an Appropriation for the Payment of the Expenses to Be Incurred by Boys' and Girls' Club Work at State and District Fairs.

Also,

House Bill No. 177. A Bill for an Act Authorizing the Secretary of Agriculture and Labor to Issue an Official Brand Book Showing All the Livestock Brands Now of Record in His Office, Making the Same Receivable in Evidence as Proof of Brands and the Ownership Thereof, and Making an Appropriation Therefor, and Declaring an Emergency.

Which the Senate has passed unchanged.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
February 27, 1937.

Mr. Speaker: I have the honor to return herewith the following:

HOUSE CONCURRENT RESOLUTION "K"

Also,

House Bill No. 357. A Bill for an Act to Apply and Make Applicable the Provisions of the House Bill No. 32 of the Twenty-Fifth Legislative Assembly and Chapter 195 of the Laws of 1935 as Amended by House Bill Number 32 Afore-said, to "Warrants for Emergency Poor Relief" Issued Pursuant to Chapter 120 of the Laws of 1935 and Issued Prior to January 1st, 1939.

Also,

House Bill No. 335. A Bill for an Act to Amend and Re-enact Section 4652 of the Compiled Laws of North Dakota

for the Year 1913, Relating to the Stopping of Passenger Trains at County Seats, and Repealing Acts or Parts of Acts in Conflict Therewith.

Also,

House Bill No. 275. A Bill for an Act Authorizing the County Commissioners, in an Emergency, to Destroy Noxious Weeds on Private Property at the Expense of the County; Declaring an Emergency.

Also,

House Bill No. 254. A Bill for an Act to Amend and Re-enact Section 951 Compiled Laws of North Dakota for 1913 and Chapter 136 Session Laws of 1927; Providing for Inspectors, Judges and Clerks of Election, Their Qualifications and Duties; Repealing Acts or Parts of Acts in Conflict Herewith.

Also,

House Bill No. 208. A Bill for an Act Providing for the Payment and Cancellation of Personal Property Taxes Assessed and Levied for the Year 1935 and All Prior Years; Fixing the Amount to Be Paid and Providing for Cancellation of Interest and Penalties and Partial Cancellation of the Original Amount of Such Taxes.

Also,

House Bill No. 122. A Bill for an Act Providing for the Regulation of Public Utilities; Powers and Duties of Railroad Commission; Improper Charges; Reparation.

Also,

House Bill No. 90. A Bill for an Act to Secure the Benefits of the Act of Congress of the United States Establishing a System of Federal Old Age Benefits Known as the "Social Security Act"; Providing a Plan for Old Age Pensions and Assistance; Creating a Fund for the Payment of Old Age Pensions; a Board to Be Known as the Old Age Pension Board of the State of North Dakota as the Agency to Administer the Plan; Designating and Prescribing the Persons to Be Pensioned and Otherwise Receive the Benefits of This Act; Prescribing Penalties for Violation of the Provisions of This Act; Providing for the Payment of Expenses to Be Incurred in Carrying Out the Provisions Hereof; and Repealing Chapter 254 of the Session Laws of North Dakota for the Year 1933, Together With Any and All Acts or Parts of Acts in Conflict With or Inconsistent to the Provisions of This Act.

Also,

House Bill No. 82. A Bill for an Act to Amend and Re-enact Subsection "C" of Section 2166, Supplement to the Compiled Laws of 1913 as Amended and Re-enacted by Chapter 279, Session Laws of 1931, Relating to the Collection of Delinquent Personal Property Taxes and Prescribing the Duties of the County Treasurer and Sheriff in Connection With the Collection Thereof.

Also,

House Bill No. 71. A Bill for an Act to Amend and Re-enact Section 6073 of the Supplement to the 1913 Compiled Laws of the State of North Dakota as Amended by Chapter 274 of the Session Laws of 1927 and as Further Amended by Chapter 159 of the Session Laws of 1935, Defining Usury and Fixing Penalty.

Also,

House Bill No. 58. A Bill for an Act to Amend and Re-enact Section 3352 of the 1913 Compiled Laws of North Dakota.

Also,

House Bill No. 21. A Bill for an Act Defining the Practice of Naturopathy in the State of North Dakota; Establishing a Board of Naturopathic Examiners; Outlining Their Duties; Specifying Their Compensation; Providing Penalties for Violation; repealing Acts or Parts of Acts in Conflict Herewith and Declaring an Emergency.

Which the Senate has indefinitely postponed.

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### REPORT OF STANDING COMMITTEES

A minority of the committee on Agriculture and Livestock made the following report:

Mr. President: A minority of your committee on Agriculture and Livestock to whom was referred House Bill No. 162, have had the same under consideration and recommend that the same be indefinitely postponed.

WILLIAM KAMRATH  
AXEL OLSON  
E. MAGOFFIN  
JOHN CRANDALL  
BEN GILBERTSON

A majority of the committee on Agriculture and Livestock made the following report:

Mr. President: A majority of your committee on Agriculture and Livestock to whom was referred House Bill No. 162, have had the same under consideration and recommend that the same do pass.

MAX H. STREHLOW  
ANDREW SKARVOLD  
C. S. AASEN  
A. N. LAVIK  
A. C. NELSON  
OTTO TOPP  
C. W. FINE  
HERMAN THORSON,  
Chairman.

Senator Thorson moved that the report of the majority be adopted.

Senator Kamrath moved, as a substitute motion, that the report of the minority be substituted for the report of the majority.

Roll call demanded and granted.

### ROLL CALL

The question being on the adoption of the minority report on House Bill No. 162, the roll was called and there were ayes, 16; nays, 31; absent and not voting 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Cain	Gilbertson	Magoffin
Coffey	Guenther	McGillic
Crandall	Guthrie	Olson
Drew	Kamrath	Vinje
Fowler	Kroeber	Whelan
Fredrickson		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Lemke	Streibel
Bilden	Lian	Stucke
Blaisdell	Lowe	Thatcher
Brostuen	Morrison	Thorson
Ettestad	Mutchler	Topp
Fine	Nelson, Barnes	Trout
Greene	Nelson, Grand Fks.	Watt
Gronvold	Owings	Williams
Johnson	Skarvold	Wog
Kolpin	Strehlow	Young
Lavik		

Absent and not voting:

Messrs.	Messrs.
Hulteng	Lynn

So the motion was lost.

Senator Watt: I am voting to place this bill on the calendar but that does not pledge me to support this bill when it comes upon second reading.

The question being on the motion of Senator Thorson that the majority report be adopted, the motion prevailed.

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 166, have had the same under consideration and recommend that the same be indefinitely postponed.

B. W. LEMKE,  
Chairman.

Senator Lemke moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Watt moved that the vote by which House Bill No. 166 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 252, have had the same under consideration and recommend that the same be amended as follows:

In line 3 of the title of the engrossed bill after the word "Cancellation," insert the words "or discontinuation."

In line 3, of Section 1, strike out the following words "has heretofore or".

In line 7, of Section 1, after the word "cancel," insert the words "or discontinue."

In line 9, of Section 1, after the word "cancellation," insert the words "or discontinuation."

In line 9, of Section 1, after the word "retailer," insert the following language: "unless dealer should desire to keep such merchandise."

In line 13, of Section 1, after the word "cancellation," insert the words "or discontinuation."

In line 5, of Section 2, after the word "cancelled," strike out the comma and insert in lieu thereof "or discontinued."

In line 4, of Section 3, after the word "cancellation," insert the words "or discontinuation."

In line 7 of Section 3, strike out the words "has heretofore or may."

In line 13, of Section 3, after the word "cancellation," insert the words "or discontinuation."

And when so amended recommend the same do pass.

J. P. CAIN,  
Chairman.

Senator Cain moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Highways made the following report:

Mr. President: Your Committee on Highways to whom was referred House Bill No. 271, have had the same under consideration and recommend that the same be indefinitely postponed.

GUST WOG,  
Chairman.

Senator Wog moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Wog moved that the vote by which House Bill No. 271 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 292,

Have had the same under consideration and recommend that the same be amended as follows:

In Section 3, lines 2 and 3 of the engrossed bill, strike out the following language: "next after expiration of one year"

And when so amended recommend the same do pass.

J. P. CAIN,  
Chairman.

Senator Cain moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Highways made the following report:

Mr. President: Your Committee on Highways to whom was referred House Bill No. 306,

Have had the same under consideration and recommend that the same be indefinitely postponed.

GUST WOG,  
Chairman.

Senator Wog moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Wog moved that the vote by which House Bill No. 306 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The Committee on Agriculture and Livestock made the following report:

Mr. President: Your Committee on Agriculture and Livestock to whom was referred House Bill No. 322,

Have had the same under consideration and recommend that the same do pass:

HERMAN THORSON,  
Chairman.

Senator Strehlow moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on State Affairs made the following report:

Mr. President: Your Committee on State Affairs to whom was referred House Bill No. 326,

Have had the same under consideration and recommend that the same do pass.

G. F. DREW,  
Chairman.

Senator Cain moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Highways made the following report:

Mr. President: Your Committee on Highways to whom was referred House Bill No. 360,

Have had the same under consideration and recommend that the same be amended as follows:

In Section 6, line 3, of the original bill, after the word "act" and comma, add the following: "which falls under Class 1. Household gas (aviation gasoline, fighting grade) shall not be required to pay the State Auditor the 3c gasoline license tax imposed by this act and such gas shall be sold free of said 3c gasoline license tax to the consumer and that any person or persons, firm or corporation who shall buy or use any motor vehicle fuel as defined in this act)

And when so amended recommend the same do pass.

GUST WOG,  
Chairman.

Senator Wog moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on State Affairs made the following report:

Mr. President: Your Committee on State Affairs to whom was referred House Bill No. 365,

Have had the same under consideration and recommend that the same do pass.

G. F. DREW,  
Chairman.

Senator Fowler moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on State Affairs made the following report:

Mr. President: Your Committee on State Affairs to whom was referred House Bill No. 366, have had the same under consideration and recommend that the same do pass.

G. F. DREW,  
Chairman.

Senator Lynn moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Mines and Minerals made the following report:

Mr. President: Your Committee on Mines and Minerals to whom was referred House Bill No. 269, have had the same under consideration and recommend that the same do pass.

WM. A. THATCHER,  
Chairman.

Senator Bilden moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred:

HOUSE CONCURRENT RESOLUTION No. 356,

Have had the same under consideration and report that the same be reported without recommendation.

J. P. CAIN,  
Chairman.

Senator Cain moved that House Concurrent Resolution No. 356 be placed on the calendar.

Which motion prevailed.

The Committee on Federal Relations made the following report:

Mr. President: Your Committee on Federal Relations to whom was referred:

HOUSE CONCURRENT RESOLUTION "E"

Have had the same under consideration and recommend that the same do pass.

J. T. MCGILLIC,  
Chairman.

Senator McGillic moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred:

HOUSE CONCURRENT RESOLUTION "L"

Have had the same under consideration and recommend that the same be indefinitely postponed.

J. P. CAIN,  
Chairman.

Senator Cain moved that the report be adopted, which motion prevailed and the report was adopted.



Senator Cain moved that the vote by which House Concurrent Resolution "L" was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The Committee on Highways made the following report:

Mr. President: Your Committee on Highways to whom was referred House Concurrent Resolution "T", have had the same under consideration and recommend that the same be indefinitely postponed.

GUST WOG,  
Chairman.

Senator Wog moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Federal Relations made the following report:

Mr. President: Your Committee on Federal Relations to whom was referred House Concurrent Resolution "V", have had the same under consideration and recommend that the same do pass.

J. T. MCGILLIC,  
Chairman.

Senator McGillic moved that the report be adopted, which motion prevailed and the report was adopted.

The committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred House Concurrent Resolution "W", have had the same under consideration and recommend that the same be indefinitely postponed.

J. P. CAIN,  
Chairman.

Senator Cain moved that the report be adopted, which motion prevailed and the report was adopted.

A minority of the Committee on Appropriations made the following report:

Mr. President: A minority of your committee on Appropriations to whom was referred House Bill No. 235, have had the same under consideration and recommend that the same be indefinitely postponed.

WM. J. LOWE  
ED. GREENE  
R. M. STREIBEL  
WM. WATT  
B. W. LEMKE,  
Chairman.

A majority of the committee on Appropriations made the following report:

Mr. President: A majority of your committee on Appropriations to whom was referred House Bill No. 235, have

had the same under consideration and recommend that the same do pass.

SYVER VINJE  
 HERMAN THORSON  
 N. N. NELSON  
 MILTON R. YOUNG  
 H. C. GUENTHER  
 F. T. GRONVOLD  
 HENRY WILLIAMS  
 E. R. STUCKE  
 B. W. LEMKE,  
 Chairman.

Senator Lemke moved that the report be adopted.

Senator Watt moved, as a substitute motion, that the report of the minority be substituted for the report of the majority, which motion was lost.

The question being on the motion of Senator Lemke, that the majority report be adopted, the motion prevailed.

Senator Stucke moved that the rules be suspended, and that the Senate reconsider the vote by which House Bill No. 357 was indefinitely postponed, which motion prevailed.

Senator Stucke moved that the Senate request the return of House Bill No. 357 from the House.

Which motion prevailed.

Senator Lemke moved that the President appoint a conference committee of three to confer with a like committee from the House on House Bill No. 45, which motion prevailed. The President appointed on such committee Senators Watt, Guenther and Drew.

Senator Coffey moved that the Senate reconsider the vote by which House Bill No. 180 was indefinitely postponed, which motion prevailed.

#### MESSAGES TO THE HOUSE

Senate Chamber,  
 Bismarck, North Dakota,  
 February 27, 1937.

Mr. Speaker: I have the honor to inform you that the President has appointed as a Conference Committee on House Bill No. 45, Senators Watt, Guenther and Drew.

Very respectfully,

THOMAS McDONALD,  
 Secretary.

Senate Chamber,  
 Bismarck, North Dakota,  
 February 27, 1937.

Mr. Speaker: I have the honor to inform you that the Senate Requests the return of House Bill 357.

Very respectfully,

THOMAS McDONALD,  
 Secretary.

Senator McGillic moved that the rules be suspended and that the Senate reconsider the vote by which House Bill No. 82 was indefinitely postponed.

Which motion was lost.

Senator Coffey moved that House Bill No. 180 be placed at the head of the calendar.

Which motion prevailed.

Senator Fowler moved that consideration of House Bill No. 247 be deferred until Monday.

Which motion prevailed.

#### REPORT OF SELECT COMMITTEE

Mr. President: Your special committee appointed to investigate the facts surrounding the failure of Senate Bill No. 82 to reach the House before the House adjourned on the 50th day, beg leave to make the following report:

The Senate Journal, page 1076, records a message to the House transmitting Senate Bill No. 82. Such message being transmitted prior to the receipt of the message from the House returning House Bill No. 247. This is evidence that the desk force transmitted the engrossed copy of Senate Bill No. 82 before the final message from the House for the 50th day was received by the Senate. The House Journal, on page 1419, records the transmission of the message, concerning House Bill No. 247 prior to the receipt of the message transmitting to the House the engrossed copy of Senate Bill No. 80.

The transmission of Senate Bill No. 80 to the House was, as shown by the record on page 1075 of the Senate Journal, the last business transacted by the Senate prior to the transmission of Senate Bill No. 82. Senate Bill No. 80 was received by the House after they had messaged No. 247 to the Senate and was the last business of the 50th day. No. 247, however, did not reach the Senate until after No. 82 had been messaged to the House. Therefore, the message sending No. 82 to the House must have been on its way to the House at the time the message on House Bill No. 247 was being transmitted to the Senate.

The adjournment of the House evidently came during the interval when House Bill No. 247 was on its way to the Senate, and Senate Bill No. 82 was on its way to the House. Thus, by minutes, cutting off the message of 82 to the House.

The Senate messenger, after receiving Senate Bill No. 82, proceeded to the House chamber to deliver said bill. Upon reaching the House chamber said messenger discovered that the House had adjourned. The messenger then delivered Senate Bill No. 82 to the clerk of the House. No record is found anywhere of the receipt by the House of the Senate message and the committee has not discovered by what process Senate Bill No. 82 made its way back to the Senate desk.

The committee believes that the messenger erred in not presenting the message of the Senate to the House at the convening of the House on the 51st day, or in lieu thereof, informing the Senate of the circumstances surrounding the delivery of the Senate message covering Senate Bill No. 82, to the House.

It is the concensus of opinion of the committee that the Senate desk force is not in any way responsible for the failure of Senate Bill No. 82 to properly reach the House on the 50th day.

HERMAN THORSON,  
Chairman.

Senator Thorson moved that the report be adopted and printed in the Journal, and the committee discharged.

Which motion prevailed.

Senator Cain moved that the Senate concur in the House amendments to Senate Bill No. 58.

Which motion prevailed.

Senator Cain moved that the rules be suspended and Senate Bill No. 58 be considered properly re-engrossed, and placed upon Second Reading and Final Passage as amended by the House.

Which motion prevailed.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 58. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, New Building, Equipment and Miscellaneous Expenses for the State Normal School, Dickinson, North Dakota.

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, 47; nays, 0; absent and not voting 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Johnson	Owings
Blaisdell	Kamrath	Skarvold
Brostuen	Kolpin	Strehlow
Cain	Kroeber	Streibel
Coffey	Lavik	Stucke
Crandall	Lemke	Thatcher
Drew	Lian	Thorson
Ettestad	Lowe	Topp
Fine	Lynn	Trout
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Watt

Messrs.	Messrs.	Messrs.
Gilbertson	Morrison	Whelan
Greene	Mutchler	Wog
Gronvold	Nelson, Barnes	Young
Guenther	Nelson, Grand Fks.	

Absent and not voting:

Messrs.	Messrs.
Hulteng	Williams

So the bill passed and the title was agreed to.

Senator Thatcher moved that the Senate concur in the House amendments to Senate Bill No. 52.

Which motion prevailed.

Senator Thatcher moved that the rules be suspended and Senate Bill No. 52 be considered properly re-engrossed, and placed upon Second Reading and Final Passage as amended by the House.

Which motion prevailed.

Senate Bill No. 52. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State School of Forestry, Bottineau, North Dakota.

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, 41; nays, 3; absent and not voting 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Gronvold	Nelson, Barnes
Bilden	Guenther	Nelson, Grand Fks.
Blaisdell	Guthrie	Olson
Brostuen	Johnson	Skarvold
Cain	Kamrath	Strehlow
Coffey	Kolpin	Stucke
Crandall	Kroeber	Thatcher
Drew	Lavik	Topp
Ettestad	Lemke	Trout
Fine	Lynn	Whelan
Fowler	Magoffin	Williams
Fredrickson	McGillic	Wog
Gilbertson	Morrison	Young
Greene	Mutchler	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Owings	Streibel	Thorson

Absent and not voting:

Messrs.	Messrs.	Messrs.
Hulteng	Lowe	Watt
Lian	Vinje	

So the bill passed and the title was agreed to.

Senator Blaisdell moved that the Senate concur in the House amendments to Senate Bill No. 22.

Which motion prevailed.

Senator Blaisdell moved that the rules be suspended and Senate Bill No. 22 be considered properly re-engrossed, and placed upon Second Reading and Final Passage.

Which motion prevailed.

Senate Bill No. 22. A Bill for an Act Amending and Re-enacting Section 2 of Chapter 222 of the Session Laws of 1931.

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 7.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Gronvold	Nelson, Barnes
Bilden	Guenther	Olson
Blaisdell	Guthrie	Owings
Brostuen	Johnson	Skarvold
Cain	Kamrath	Strehlow
Coffey	Kolpin	Streibel
Crandall	Kroeber	Thatcher
Drew	Lavik	Thorson
Ettestad	Lemke	Topp
Fine	Lynn	Trout
Fowler	Magoffin	Whelan
Fredrickson	McGillic	Williams
Gilbertson	Morrison	Wog
Greene	Mutchler	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Hulteng	Nelson, Grand Fks.	Vinje
Lian	Stucke	Watt
Lowe		

So the bill passed and the title was agreed to.

#### MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
February 27, 1937.

Mr. President: I have the honor to inform you that the

House has concurred in the Senate amendment to House Bill No. 15.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
February 27, 1937.

Mr. President: I have the honor to return herewith the following bill:

House Bill No. 357. A Bill for an Act to Apply and Make Applicable the Provisions of the House Bill No. 32 of the Twenty-Fifth Legislative Assembly and Chapter 195 of the Laws of 1935 as Amended by House Bill Number 32 Afore-said, to "Warrants for Emergency Poor Relief" Issued Pursuant to Chapter 120 of the Laws of 1935 and Issued Prior to January 1st, 1939.

As per your request.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

Senator Coffey moved that the Senate concur in the House amendments to Senate Bill No. 119.

Which motion prevailed.

Senator Coffey moved that the rules be suspended and Senate Bill No. 119 be considered properly re-engrossed, and placed upon Second Reading and Final Passage, as amended by the House.

Which motion prevailed.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 119. A Bill for an Act Regulating All Benevolent Corporations, Associations or Societies Operating on Voluntary or Involuntary Assessment or Contribution Plan, Which Provide for Protective and/or Indemnity Benefits, Excepting Benevolent Corporations as Defined by Chapter 23, Compiled Laws of 1931, and for the Repeal of Chapter 160 of the Session Laws of 1931, and 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, the roll was called and there were ayes, 36; nays, 0; absent and not voting, 13.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Skarvold
Bilden	Kamrath	Strehlow
Coffey	Kolpin	Streibel
Crandall	Kroeber	Thatcher
Drew	Lavik	Thorson
Ettestad	Lemke	Topp
Fredrickson	Magoffin	Trout
Gilbertson	Morrison	Vinje
Greene	Mutchler	Watt
Gronvold	Nelson, Barnes	Whelan
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Owings	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Blaisdell	Hulteng	McGillic
Brostuen	Lian	Olson
Cain	Lowe	Stucke
Fine	Lynn	Williams
Fowler		

So the bill passed and the title was agreed to.

Senator Lemke moved that the Senate concur in the House amendments to Senate Bill No. 5.

Which motion prevailed.

Senator Lemke moved that the rules be suspended and Senate Bill No. 5 be considered properly re-engrossed, and placed upon Second Reading and Final Passage, as amended by the House.

Which motion prevailed.

Senate Bill No. 5. A Bill for an Act Making an Appropriation for the Inspection and Eradication of Bee Diseases, Under the Provisions of Sections 2790a1-2790a18 of the Supplement to the 1913 Compiled Laws of North Dakota.

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, 38; nays, 0; absent and not voting, 11.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Strehlow
Bilden	Kamrath	Streibel
Blaisdell	Kolpin	Thatcher
Coffey	Kroeber	Thorson
Crandall	Lavik	Topp
Drew	Lemke	Trout
Ettestad	Magoffin	Vinje



Messrs.	Messrs.	Messrs.
Fredrickson	Morrison	Watt
Gilbertson	Mutchler	Whelan
Greene	Nelson, Barnes	Williams
Gronvold	Nelson, Grand Fks.	Wog
Guenther	Owings	Young
Guthrie	Skarvold	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Hulteng	McGillic
Cain	Lian	Olson
Fine	Lowe	Stucke
Fowler	Lynn	

So the bill passed and the title was agreed to.

Senator Blaisdell moved that the Senate concur in the House amendments to Senate Bill No. 57.

Which motion prevailed.

Senator Blaisdell moved that the rules be suspended and Senate Bill No. 57 be considered properly re-engrossed, and placed upon Second Reading and Final Passage, as amended by the House.

Which motion prevailed.

Senate Bill No. 57. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items of the State Normal School, Minot, North Dakota.

### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 38; nays, 0; absent and not voting 11.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Strehlow
Bilden	Kamrath	Streibel
Blaisdell	Kolpin	Thatcher
Coffey	Kroeber	Thorson
Crandall	Lavik	Topp
Drew	Lemke	Trout
Ettestad	Magoffin	Vinje
Fredrickson	Morrison	Watt
Gilbertson	Mutchler	Whelan
Greene	Nelson, Barnes	Williams
Gronvold	Nelson, Grand Fks.	Wog
Guenther	Owings	Young
Guthrie	Skarvold	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Hulteng	McGillic

Messrs.	Messrs.	Messrs.
Cain	Lian	Olson
Fine	Lowe	Stucke
Fowler	Lynn	

So the bill passed and the title was agreed to.

Senator Blaisdell moved that the vote by which Senate Bill No. 57 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Watt moved that the Senate do now recess for 10 minutes.

Which motion prevailed.

The Senate reconvened pursuant to recess taken.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
February 27, 1937.

Mr. Speaker: I have the honor to inform you that the Senate has concurred in the House amendment to Senate Bills No. 58, 52, 22, 119, 5 and 57.

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### HOUSE CONCURRENT RESOLUTION "U".

Was read the second time.

Senator Johnson moved that House Concurrent Resolution "U" be indefinitely postponed.

Which motion prevailed.

The Senate had under consideration:

House Bill No. 180. A Bill for an Act to Amend and Re-enact Section 10 of Chapter 97 of the Session Laws of 1933, Providing Duty of Relative to Aid and Right of Recovery by County or County Welfare Board.

Which had been reconsidered and placed at the head of the calendar.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 24; nays, 13; absent and not voting, 12.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Nelson, Grand Fks.
Bilden	Kamrath	Strehlow

Messrs.	Messrs.	Messrs.
Coffey	Lavik	Thatcher
Crandall	Lemke	Topp
Drew	Lowe	Vinje
Fredrickson	Magoffin	Watt
Gronvold	Mutchler	Wog
Guenther	Nelson, Barnes	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Ettestad	Lian	Streibel
Gilbertson	Morrison	Thorson
Greene	Owings	Trout
Johnson	Skarvold	Williams
Kolpin		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Blaisdell	Fowler	McGillic
Brostuen	Hulteng	Olson
Cain	Kroeber	Stucke
Fine	Lynn	Whelan

So the bill lost for want of a constitutional majority.

## SECOND READING OF HOUSE BILLS

House Bill No. 98. A Bill for an Act Directing the Board of Administration to Engage Competent Engineering Experts to Determine What Can Be Done to Remedy the Poor Hearing Qualities of the House Chamber and Advise on Cost Thereof; Proceed to Have Same Done if at a Cost Not in Excess of \$2,500; Making an Appropriation, 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, 28; nays, 9; absent and not voting, 12.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Owings
Bilden	Johnson	Skarvold
Coffey	Kamrath	Strehlow
Crandall	Kolpin	Streibel
Drew	Lavik	Topp
Ettestad	Lemke	Vinje
Fredrickson	Lian	Watt
Gilbertson	Magoffin	Wog
Gronvold	Morrison	Young
Guenther		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Greene	Nelson, Barnes	Thorson
Lowe	Nelson, Grand Fks.	Trout
Mutchler	Thatcher	Williams

Absent and not voting:

Messrs.	Messrs.	Messrs.
Blaisdell	Fowler	McGillic
Brostuen	Hulteng	Olson
Cain	Kroeber	Stucke
Fine	Lynn	Whelan

So the bill passed and the title was agreed to.

House Bill No. 203. A Bill for an Act to Amend and Re-enact Section 201 of the 1935 Session Laws Relating to Limiting the Hours of Employment of Municipal Employees, Fixing the Penalty for Violation Thereof, and Repealing All Acts and Parts of Acts in Conflict Therewith, and Declaring an Emergency.

Was read the second time.

Senator Owings moved that House Bill No. 203 be amended as follows:

In line 4 of the title after the word "herewith," strike out the comma, insert a period, and strike out line 5.

Strike out all of "Section 4."

Which motion prevailed.

Senator Owings moved that the rules be suspended and House Bill No. 203 be placed upon Second Reading and Final Passage, as amended.

Which motion prevailed.

### ROLL CALL

The question being on the final passage of House Bill No. 203, as amended, the roll was called and there were ayes, 24; nays, 15; absent and not voting, 10.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Johnson	Skarvold
Coffey	Lavik	Strehlow
Crandall	Lemke	Thatcher
Fredrickson	Lian	Thorson
Gilbertson	Magoffin	Whelan
Greene	Morrison	Williams
Guenther	Nelson, Barnes	Wog
Guthrie	Owings	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Kolpin	Streibel
Drew	Kroeber	Topp

Messrs.	Messrs.	Messrs.
Ettestad	Lowe	Trout
Gronvold	Mutchler	Vinje
Kamrath	Nelson, Grand Fks.	Watt

Absent and not voting:

Messrs.	Messrs.	Messrs.
Blaisdell	Fowler	McGillic
Brostuen	Hulteng	Olson
Cain	Lynn	Stucke
Fine		

So the bill lost for want of a consitutional majority.

Senator Young moved that Senate Bill No. 183 be placed at the foot of the calendar.

Which motion prevailed.

House Bill No. 214. A Bill for an Act to Validate Actions Taken in Cities in Connection With Special Elections of the Question of Erecting Electric Light and Power Systems and Authorizing the Construction of Such Systems, 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, 3; absent and not voting, 10.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Skarvold
Bilden	Kolpin	Strehlow
Coffey	Kroeber	Thatcher
Crandall	Lavik	Thorson
Drew	Lemke	Topp
Ettestad	Lian	Trout
Fredrickson	Lowe	Vinje
Gilbertson	Magoffin	Watt
Greene	Morrison	Whelan
Gronvold	Mutchler	Williams
Guenther	Nelson, Barnes	Wog
Guthrie	Nelson, Grand Fks.	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Johnson	Owings	Streibel

Absent and not voting:

Messrs.	Messrs.	Messrs.
Blaisdell	Fowler	McGillic
Brostuen	Hulteng	Olson
Cain	Lynn	Stucke
Fine		

So the bill passed, the title was agreed to, and the emergency clause was declared carried.

House Bill No. 130. A Bill for an Act to Amend and Re-enact Section 3264 of the Compiled Laws of North Dakota for 1913 Relating to the Term of Office of County Commissioners.

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, 2; absent and not voting, 11.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Skarvold
Bilden	Kamrath	Strehlow
Coffey	Kolpin	Thatcher
Crandall	Lavik	Thorson
Drew	Lemke	Topp
Ettestad	Lian	Trout
Fredrickson	Lowe	Vinje
Gilbertson	Magoffin	Watt
Greene	Morrison	Whelan
Gronvold	Mutchler	Williams
Guenther	Nelson, Barnes	Wog
Guthrie	Nelson, Grand Fks.	Young

Those voting in the negative were:

Messrs.	Messrs.
Owings	Streibel

Absent and not voting:

Messrs.	Messrs.	Messrs.
Blaisdell	Fowler	McGillic
Brostuen	Hulteng	Olson
Cain	Kroeber	Stucke
Fine	Lynn	

So the bill passed and the title was agreed to.

House Bill No. 136. A Bill for an Act to Amend and Re-enact Sections 5512, 5513, 5514 and 5515 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to Transfer of Interests of Real Estate by Corporations; Repealing All Acts or Parts of Acts in Conflict Therewith 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, 33; nays, 3; absent and not voting, 13.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Nelson, Grand Fks.
Bilden	Johnson	Skarvold
Coffey	Kamrath	Strehlow
Crandall	Kolpin	Thatcher
Drew	Lavik	Thorson
Ettestad	Lemke	Topp
Fredrickson	Lian	Trout
Gilbertson	Lowe	Watt
Greene	Magoffin	Williams
Gronvold	Morrison	Wog
Guenther	Mutchler	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Nelson, Barnes	Owings	Streibel

Absent and not voting:

Messrs.	Messrs.	Messrs.
Blaisdell	Hulteng	Olson
Brostuen	Kroeber	Stucke
Cain	Lynn	Vinje
Fine	McGillic	Whelan
Fowler		

So the bill passed, the title was agreed to, and the emergency clause was declared carried.

House Bill No. 137. A Bill for an Act Amending and Re-enacting Section 7812 of the Compiled Laws of North Dakota for the Year 1913, as to the Furnishing of Surety for Costs in District Court Actions by Plaintiffs Who Are Non-Residents of the State or Foreign Corporations Other Than United States Corporations.

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, 1; absent and not voting, 11.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Skarvold
Bilden	Kolpin	Strehlow
Coffey	Lavik	Streibel
Crandall	Lemke	Thorson
Drew	Lian	Topp
Ettestad	Lowe	Trout
Fredrickson	Magoffin	Vinje
Gilbertson	Morrison	Watt
Greene	Mutchler	Whelan
Gronvold	Nelson, Barnes	Williams

Messrs.	Messrs.	Messrs.
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Owings	Young
Johnson		

Those voting in the negative were:

Messrs.  
Thatcher

Absent and not voting:

Messrs.	Messrs.	Messrs.
Blaisdell	Fowler	McGillic
Brostuen	Hulteng	Olson
Cain	Kroeber	Stucke
Fine	Lynn	

So the bill passed, the title was agreed to and the emergency clause was declared carried.

House Bill No. 139. A Bill for an Act to Amend and Re-enact Section 9020 of the Compiled Laws of North Dakota for the Year 1913, and to Provide for the Furnishing of Surety for Costs by Plaintiffs Who Are Non-Residents or Corporations Other Than United States Corporations; 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 11.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Strehlow
Bilden	Kolpin	Streibel
Coffey	Lavik	Thatcher
Crandall	Lemke	Thorson
Drew	Lian	Topp
Ettestad	Lowe	Trout
Fredrickson	Magoffin	Vinje
Gilbertson	Morrison	Watt
Greene	Mutchler	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Owings	Young
Johnson	Skarvold	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Blaisdell	Fowler	McGillic
Brostuen	Hulteng	Olson
Cain	Kroeber	Stucke
Fine	Lynn	

So the bill passed, the title was agreed to, and the emergency clause was declared carried.



House Bill No. 156. A Bill for an Act Levying a Tax of One-half of One Mill Upon Each Dollar of Assessed Valuation of All Taxable Property Within the State for the Years 1937 and 1938, for the Purpose of Paying the Interest and Creating a Sinking Fund for the Payment of the Principal of the North Dakota Real Estate Bonds Now Outstanding.

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, 7; absent and not voting 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Guthrie	Owings
Blaisdell	Kamrath	Skarvold
Cain	Kolpin	Streibel
Coffey	Kroeber	Stucke
Crandall	Lemke	Thorson
Drew	Lian	Trout
Ettestad	Lowe	Vinje
Fredrickson	Lynn	Watt
Gilbertson	Magoffin	Whelan
Greene	Morrison	Williams
Gronvold	Mutchler	Wog
Guenther	Nelson, Grand Fks.	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Nelson, Barnes	Thatcher
Johnson	Strehlow	Topp
Lavik		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Fowler	McGillic
Fine	Hulteng	Olson

So the bill passed and the title was agreed to.

House Bill No. 204. A Bill for an Act Amending and Re-enacting Section 3274 of the 1913 Compiled Laws of North Dakota Relating to the Authority of County Commissioners to Sell County Real and Personal Property; Authorizing the County Commissioners to Reserve All or Any Part of the Oil, Gas, Coal and/or Mineral Rights in Land so Sold; Repealing All Acts or Parts of Acts in Conflict Therewith 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 7.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Owings
Bilden	Kamrath	Skarvold
Blaisdell	Kolpin	Strehlow
Cain	Kroeber	Streibel
Coffey	Lavik	Stucke
Crandall	Lemke	Thatcher
Drew	Lian	Thorson
Ettestad	Lowe	Topp
Fredrickson	Lynn	Trout
Gilbertson	Magoffin	Vinje
Greene	Morrison	Watt
Gronvold	Mutchler	Whelan
Guenther	Nelson, Barnes	Wog
Guthrie	Nelson, Grand Fks.	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Hulteng	Olson
Fine	McGillic	Williams
Fowler		

So the bill passed and the title was agreed to. The emergency clause was declared carried.

House Bill No. 264. A Bill for an Act Authorizing, Directing and Empowering the Proper Officers of the State of North Dakota to Release Any Interest Which the State of North Dakota Has Against Lot Fifteen (15) and the North Half (N½) of Lot Fourteen (14) in Block Thirty-Nine (39) of the Original Plat of the City of Jamestown, North Dakota, by Virtue of a Loan of \$5,000.00 Made by the State of North Dakota to Said Training School in the Year 1911, 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 8.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Skarvold
Bilden	Kamrath	Strehlow
Blaisdell	Kolpin	Streibel
Cain	Kroeber	Stucke
Coffey	Lavik	Thatcher
Crandall	Lemke	Thorson
Drew	Lowe	Topp
Ettestad	Lynn	Trout
Fredrickson	Magoffin	Vinje

Messrs.	Messrs.	Messrs.
Gilbertson	Morrison	Watt
Greene	Mutchler	Whelan
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young
Guthrie	Owings	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Hulteng	Olson
Fine	Lian	Williams
Fowler	McGillic	

So the bill passed, the title was agreed to, and the emergency clause was declared carried.

House Bill No. 320. A Bill for an Act to Amend and Re-enact Section 5574 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to the Form of Certificates of Acknowledgment; Repealing All Acts or Parts of Acts in Conflict Herewith, 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 8.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Owings
Bilden	Kamrath	Skarvold
Blaisdell	Kolpin	Strehlow
Cain	Kroeber	Streibel
Coffey	Lavik	Stucke
Crandall	Lemke	Thatcher
Drew	Lian	Thorson
Ettestad	Lowe	Topp
Fredrickson	Lynn	Trout
Gilbertson	Magoffin	Watt
Greene	Morrison	Whelan
Gronvold	Mutchler	Wog
Guenther	Nelson, Barnes	Young
Guthrie	Nelson, Grand Fks.	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Hulteng	Vinje
Fine	McGillic	Williams
Fowler	Olson	

So the bill passed, the title was agreed to, and the emergency clause was declared carried.

The President called Senator Wog, President pro tem, to the chair.

## MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
February 27, 1937.

Mr. President: I have the honor to transmit herewith the following bills:

House Bill No. 83. A Bill for an Act to Amend and Re-enact Sections 4 and 6 of Chapter 92, Providing for the Consolidation of Counties and Parts of Counties; the Petition and Election Therefor; the Vote Thereon; Result Thereof; and Proclamation by the Governor; the Officers; Expiration of Their Terms and Transfer of all Books, Records and Property; Nominations When Void; the Transfer and Trial of All Actions; the Debts, Taxes and Issuance of Bonds or Certificates of Indebtedness, and Repealing All Acts in Conflict.

Also,

House Bill No. 77. A Bill for an Act Making an Appropriation to the Secretary of State for the Payment of the Cost of Printing the 1933-1934 Public Documents, and Declaring an Emergency.

Also,

House Bill No. 96. A Bill for an Act Making an Appropriation to Make Up the Deficits in the Fund Known as "The Insurance Tax to Fire Departments" for the Purpose of Paying Insurance Tax to the Various Fire Departments of the State in Compliance With the Provisions of Sections 3993 to 3998, Inclusive, of the Compiled Laws of 1913.

Also,

House Bill No. 54. A Bill for an Act Prohibiting the Marriage of Minors Under the Supervision of the Juvenile Court or State Training School, Without Order of the Juvenile Court.

Also,

House Bill No. 29. A Bill for an Act Amending and Re-enacting Section 1245 of Compiled Laws of North Dakota for the Year 1913 Relating to the Election of Officers of Special School Districts and Prescribing Qualifications Therefor.

Also,

House Bill No. 84. A Bill for an Act to Amend and Re-enact Sections Three (3) and Six (6) of Chapter 116 of the Session Laws of 1927, Relating to the Furnishing of Seed and Feed by Counties, and Declaring an Emergency.

Also,

HOUSE CONCURRENT RESOLUTION "O".

Which the Speaker has signed and your signature is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

The President resumed the chair.

## SECOND READING OF HOUSE BILLS

House Bill No. 332. A Bill for an Act Creating Pensions for Disabled or Retired Policemen, Their Widows, and Children Under Sixteen Years of Age; Disabled or Retired Police Matrons and Their Children Under Sixteen Years of Age; and Widows of Policemen Who Die in the Service, and Their Children Under Sixteen Years of Age; in Cities Now or Hereafter Having a Population in Excess of Twenty-five (25,000) Thousand by the Last Official Census, Federal or State; and Providing for a Fund Out of Which Such Pensions Shall Be Paid; and for the Establishment of a Pension Board for the Management, Control and Distribution of Such Fund.

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, 6; absent and not voting 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Nelson, Grand Fks.
Bilden	Johnson	Owings
Blaisdell	Kolpin	Skarvold
Brostuen	Lavik	Strehlow
Cain	Lemke	Stucke
Coffey	Lian	Thatcher
Crandall	Lowe	Trout
Drew	Lynn	Vinje
Fine	Magoffin	Watt
Fowler	McGillic	Whelan
Fredrickson	Morrison	Wog
Gilbertson	Mutchler	Young
Gronvold	Nelson, Barnes	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Ettestad	Kamrath	Streibel
Greene	Olson	Thorson

Absent and not voting:

Messrs.	Messrs.	Messrs.
Guthrie	Kroeber	Williams
Hulteng	Topp	

So the bill passed and the title was agreed to.

House Bill No. 80. A Bill for an Act to Amend and Re-enact Sections 201 and 214 and 215 of the Compiled Laws of North Dakota for the Year 1913 as Amended and Re-enacted by Sections 1, 3 and 4 of Chapter 147 of the 1931 Session Laws of the State of North Dakota, and Repealing Section 213 of the Compiled Laws of North Dakota for the Year 1913 as Amended by Section 2 of Chapter 147 of the 1931 Session

Laws of the State of North Dakota, and Repealing Section 217 of the 1913 Compiled Laws of the State of North Dakota, Relating to the Creation of a Fire Marshal Department.

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, 26; nays, 18; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Johnson	Nelson, Barnes
Blaisdell	Kamrath	Olson
Cain	Kolpin	Owings
Coffey	Lemke	Skarvold
Crandall	Lian	Streibel
Fine	Lynn	Stucke
Fowler	McGillic	Thorson
Fredrickson	Morrison	Young
Greene	Mutchler	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Thatcher
Brostuen	Lavik	Trout
Drew	Lowe	Vinje
Ettestad	Magoffin	Watt
Gilbertson	Nelson, Grand Fks.	Whelan
Gronvold	Strehlow	Wog

Absent and not voting:

Messrs.	Messrs.	Messrs.
Guthrie	Kroeber	Williams
Hulteng	Topp	

So the bill passed and the title was agreed to.

Senator Coffey moved that the vote by which House Bill No. 80 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Gilbertson moved that the Senate reconsider the vote by which House Bill No. 180 was lost.

Which motion prevailed.

House Bill No. 180. A Bill for an Act to Amend and Re-enact Section 10 of Chapter 97 of the Session Laws of 1933, Providing Duty of Relative to Aid and Right of Recovery by County or County Welfare Board.

### ROLL CALL

The question being on the final passage of the bill, the roll

was called and there were ayes, 33; nays, 11; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Gilbertson	Nelson, Grand Fks.
Bilden	Gronvold	Strehlow
Blaisdell	Guenther	Stucke
Brostuen	Kamrath	Thatcher
Cain	Kolpin	Thorson
Coffey	Lavik	Trout
Crandall	Lemke	Vinje
Drew	Lynn	Watt
Fine	Magoffin	Whelan
Fowler	McGillic	Wog
Fredrickson	Nelson, Barnes	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Ettestad	Lowe	Owings
Greene	Morrison	Skarvold
Johnson	Mutchler	Streibel
Lian	Olson	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Guthrie	Kroeber	Williams
Hulteng	Topp	

So the bill passed and the title was agreed to.

Senator Strehlow moved that the vote by which House Bill No. 180 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Young moved that House Bill No. 183 be placed at the head of the calendar.

Which motion prevailed.

House Bill No. 183. A Bill for an Act Authorizing County, Municipal, Township and School Board Officials to Waive the Furnishing of Surety or Personal Bonds, Where Such Funds are Insured in the Federal Deposit Insurance Corporation, 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, 34; nays, 10; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Mutchler
Blaisdell	Kamrath	Nelson, Barnes
Brostuen	Kolpin	Nelson, Grand Fks.
Cain	Kroeber	Strehlow
Coffey	Lavik	Trout
Crandall	Lemke	Vinje
Drew	Lian	Watt
Ettestad	Lowe	Whelan
Fowler	Lynn	Wog
Fredrickson	Magoffin	Young
Gronvold	McGillic	
Guenther	Morrison	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Bilden	Owings	Stucke
Fine	Skarvold	Thatcher
Greene	Streibel	Thorson
Olson		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Gilbertson	Hulteng	Williams
Guthrie	Topp	

So the bill passed and the title was agreed to.

Senator Whelan moved that the vote by which House Bill No. 183 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Fine: The Bank of North Dakota has been and will be for the next two years requested to finance subdivisions, including the schools of this state, to a greater amount than heretofore. It will need money on which to make some profit. Therefore, I vote "no".

Senator Brostuen moved that the record show the following Senators were absent on official business.: Senators Brostuen, Cain, Olson, Fine, Stucke, McGillic, Blaisdell, Lynn and Fowler.

Which motion prevailed.

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. 33. A Bill for an Act Making an Appropriation to Provide a State Contingency Fund to Be Placed at the Disposal of the State Emergency Commission to Be Used as Provided by Sections 283c1 to 283c6, Inclusive, and



Section 283c10 of the Supplement to the Compiled Laws of 1913.

Also,

Senate Bill No. 52. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State School of Forestry, Bottineau, North Dakota.

Also,

Senate Bill No. 58. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, New Building, Equipment and Miscellaneous Expenses for the State Normal School, Dickinson, North Dakota.

Also,

Senate Bill No. 53. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Normal and Industrial School at Ellendale, North Dakota.

Also,

Senate Bill No. 54. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, New Building and Equipment for the State School of Science at Wahpeton, North Dakota.

Also,

Senate Bill No. 72. A Bill for an Act Relating to the Foreclosure of Real Estate Mortgages and Land Contracts, Providing What the Judgment and Decree Shall Contain, and Prohibit any Deficiency Judgments.

And find the same correctly enrolled.

WILLIAM KROEBER,  
Chairman.

Senator Kroeber 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. 53. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Normal and Industrial School at Ellendale, North Dakota.

Also,

Senate Bill No. 54. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, New Building and Equipment for the State School of Science at Wahpeton, North Dakota.

Also,

Senate Bill No. 72. A Bill for an Act Relating to the Foreclosure of Real Estate Mortgages and Land Contracts, Providing What the Judgment and Decree Shall Contain, and Prohibit any Deficiency Judgments.

Also,

Senate Bill No. 33. A Bill for an Act Making an Appropriation to Provide a State Contingency Fund to Be Placed at the Disposal of the State Emergency Commission to Be Used as Provided by Sections 283c1 to 283c6, Inclusive, and Section 283c10 of the Supplement to the Compiled Laws of 1913.

Also,

Senate Bill No. 52. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State School of Forestry, Bottineau, North Dakota.

Also,

Senate Bill No. 58. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, New Building, Equipment and Miscellaneous Expenses for the State Normal School, Dickinson, North Dakota.

Also,

House Bill No. 84. A Bill for an Act to Amend and Re-enact Sections Three (3) and Six (6) of Chapter 116 of the Session Laws of 1927, Relating to the Furnishing of Seed and Feed by Counties, and Declaring an Emergency.

Also,

House Bill No. 29. A Bill for an Act Amending and Re-enacting Section 1245 of Compiled Laws of North Dakota for the Year 1913 Relating to the Election of Officers of Special School Districts and Prescribing Qualifications Therefor.

Also,

House Bill No. 54. A Bill for an Act Prohibiting the Marriage of Minors Under the Supervision of the Juvenile Court or State Training School, Without Order of the Juvenile Court.

Also,

House Bill No. 96. A Bill for an Act Making an Appropriation to Make Up the Deficits in the Fund Known as "The Insurance Tax to Fire Departments" for the Purpose of Paying Insurance Tax to the Various Fire Departments of the State in Compliance With the Provisions of Sections 3993 to 3998, Inclusive, of the Compiled Laws of 1913.

Also,

House Bill No. 77. A Bill for an Act Making an Appropriation to the Secretary of State for the Payment of the Cost

of Printing the 1933-1934 Public Documents, and Declaring an Emergency.

Also,

House Bill No. 83. A Bill for an Act to Amend and Re-enact Sections 4 and 6 of Chapter 92, Providing for the Consolidation of Counties and Parts of Counties; the Petition and Election Therefor; the Vote Thereon; Result Thereof; and Proclamation by the Governor; the Officers; Expiration of Their Terms and Transfer of all Books, Records and Property; Nominations When Void; the Transfer and Trial of All Actions; the Debts, Taxes and Issuance of Bonds or Certificates of Indebtedness, and Repealing All Acts in Conflict.

Also,

#### HOUSE CONCURRENT RESOLUTION "O".

And the President signed the same in the presence of the Senate.

Senator Guenther moved that the Senate do now recess until 1:00 o'clock P. M., tomorrow, which motion prevailed. The Senate stood recessed.

#### COURTESIES OF THE FLOOR

The courtesies of the floor were extended to:

Mrs. Earl Anderson, Lisbon; Mrs. L. Lundgren, Minot; John Scott, Fred Bye, Gilby; Wallace Warner, Grand Forks; Ole Knutson, Chas. Knutson, Thompson; Eunice C. Gronvold, Valley City; Joann Thomas, Katherine Geiger, Bismarck.

#### WALSH-PEMBINA COUNTIES POTATO DELEGATION

Dr. Wm. Robbins, Cavalier; Isackson Brothers, Edinburg; Lynn Hanson, Arthur Collette, Homer French, Park River; H. A. Stewart, Drayton; Joseph Sabourin, Cashel; Theo. Larson, Jan Ebert, E. J. Dolan, H. M. Hanson, Ralph Boone, Jacob Kramer, Ole Vogsland, Carl Johnson, L. S. LaMarre, Roland Lessard, Almond Collette, Andrew Freeman, Carl A. Freeman, Grafton; George Ellefson, Nash; Chas. Kittelson, Grafton; Arthur Gilbert, Park River; Alphonse Sabourin, F. A. Papenfuss, Grafton; C. C. Hollingsworth, Minneapolis; Dwight Honey, Topeka, Kansas; D. M. Upham, Jack Loos, Sam Lykken, Melvin H. Lykken, Grafton; Ed. Lunde, St. Thomas; G. W. Schumacher, Frank Johnson, Welford Collette, Napoleon Collette, Wilfred Campbell, D. J. LaBerge, Charles Hanson, Grafton; Elmer Jergenson, Park River; F. T. Kieley, Tonnes Ivesdahl, Ben Mattson, Tom Mohagen, Victor Lessard, Albert Durand, Alfred Oihus, Chas. H. Kingsbury, Harley R. Kingsberry, Grafton; Olaf Johnson, Park River; P. J. Flaten, Hoople; M. A. Johnson, Park River; Henry Monson, Grafton; V. J. Johnson, Hoople; A. C. Larson, Joe Rutherford, Nash; Wilford Anderson, Grafton; Nic Rinde, Carl Rinde, Carl Bjerke, Hoople; Geo. Gilless, Crystal; V. L. Carson, Hoople; R. F. O'Toole, Crystal; R. A. Swanson, L. T. Nielson, Milton E. Johnston, W. E. Nielson, Hoople;

A. J. Rosendahl, Adams; Geo. H. Hoople, Hoople; O. H. Lundquist, Adams; Oscar Berg, Melvin Marijferen, Oliver Berg, K. O. Berg, Fred Hurtt, John O. Tharalson, Knute Aaland, Adolph Aaland, Ira Porter, Andrew Fedje, Clarence and Oscar Fagerhold, Olaf Martinson, Walter Martinson, Olaf Larson, Hoople; Pearl Larson, Vernie Larson, Lars Larson, Park River; Albert Thompson, H. C. DePuy, Grafton; Olaf Torson, V. O. Johnson, Geo. H. Walker, John A. Harris, Frank H. Olsen, Gunder Midgarden, Wes Harris, Park River; B. J. Narloch, Minto; Hans Larson, Larson and Farup, David Hylden, Lars Hylden, Ben J. Middendorf, Gabriel Thorpe, Park River; Daniel Demers, Cashel; Ray S. Miller, Grafton; Theo. Torleifson, Gardar; W. O. Weiss, P. J. Whelan, John B. Snyder, J. J. Hoesley, Henry Schultz, August Schultz, J. J. Whelan, N. Bradshaw, R. D. Johnson, Vernon Rodger, John Henricks, Herb Radke, Theo. Radke, James Kelly, Crystal; W. M. Robbins, Cavalier; H. A. Hoesley, Crystal; Everett Knudson, J. I. Shephard, Walhalla; Joe Rutherford, Nash; Melvin Halverson, Grafton; Eid and Son, Walhalla; John Michels, Neche; C. E. Metelmann, Lloyd E. Hurley, L. L. Best, Rutherford and Soeby, J. A. Jameson, W. E. Epton, A. O. Tetrault, Walhalla; Herb Dahlzell, Backoo; E. Helfach, A. C. Thompson, Walhalla; J. W. Scott, Gilby; Chas. W. Hillier, Hoople; Anton Osowski, Minto; Bert Starry (C. W. Farrup), A. G. Tverberg, Grafton; M. Bateman, C. F. Harris, T. A. Meaghen, Park River; E. Schumacher, Drayton; Harrison Garnett, Stanley Gansle, D. G. McIntosh, Emil Boon, H. E. Gibson, St. Thomas; L. E. Tibert, Voss; T. E. Halverson, Geo. Johnson, Forest River; T. J. McCann, J. L. Koehenstedt, Minto; L. A. Gaunthier (G. N. Ry.), P. J. Coliton, Grand Forks; Stener Stenerson, J. E. Evenson, Stanley Stenerson, Edinburg.

**THOMAS McDONALD,**  
Secretary.

FIFTY-FOURTH DAY AFTER RECESS AND  
FIFTY-SIXTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
March 1, 1937.

The Senate convened at 1:00 P. M., pursuant to recess taken, President Thoresen presiding.

SECOND READING OF HOUSE BILLS

House Bill No. 324. A Bill for an Act to Amend and Re-enact Section 4400 of the Supplement to the 1913 Compiled Laws of North Dakota, Relating to the Affirmative Proof Required in Divorce Actions.

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, 29; nays, 0; absent and not voting 20.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Gronvold	Nelson, Barnes
Bilden	Guthrie	Olson
Blaisdell	Kolpin	Owings
Cain	Lavik	Skarvold
Coffey	Lian	Strehlow
Crandall	Lynn	Stucke
Drew	Magoffin	Trout
Ettestad	McGillic	Whelan
Fowler	Morrison	Wog
Gilbertson	Mutchler	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Kamrath	Thorson
Fine	Kroeber	Topp
Fredrickson	Lemke	Vinje

Messrs.	Messrs.	Messrs.
Greene	Lowe	Watt
Guenther	Nelson, Grand Fks.	Williams
Hulteng	Streibel	Young
Johnson	Thatcher	

So the bill passed and the title was agreed to.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 1, 1937.

Mr. Speaker: I have the honor to return herewith the following resolution and bills:

#### HOUSE CONCURRENT RESOLUTION "O".

Also,

House Bill No. 83. A Bill for an Act to Amend and Re-enact Sections 4 and 6 of Chapter 92 of the Session Laws of 1933, Providing for the Consolidation of Counties the Petition and Election Therefor; the Vote Thereon; Result Thereof; and Proclamation by the Governor; the Officers; Expiration of Their Terms and Transfer of All Books, Records and Property; Nominations When Void; the Transfer and Trial of All Actions; the Debts, Taxes and Issuance of Bonds or Certificates of Indebtedness, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Also,

House Bill No. 77. A Bill for an Act Making an Appropriation to the Secretary of State for the Payment of the Cost of Printing the 1933-1934 Public Documents, and Declaring an Emergency.

Also,

House Bill No. 96. A Bill for an Act Making an Appropriation to Make Up the Deficits in the Fund Known as "The Insurance Tax to Fire Departments" for the Purpose of Paying Insurance Tax to the Various Fire Departments of the State in Compliance with the Provisions of Sections 3993 to 3998 Inclusive, of the Compiled Laws of 1913, and Declaring an Emergency.

Also,

House Bill No. 54. A Bill for an Act Prohibiting the Marriage of Minors Under the Supervision of the Juvenile Court of State Training School, Without Order of the Juvenile Court or Superintendent of the State Training School; for the Annulment of Such Marriage; and Prescribing Penalties.

Also,

House Bill No. 29. A Bill for an Act Amending and Re-enacting Section 1245 of Compiled Laws of North Dakota for

the Year 1913 Relating to the Elections of Officers of Special School Districts and Prescribing Qualifications Therefor, and Declaring an Emergency.

Also,

House Bill No. 84. A Bill for an Act to Amend and Re-enact Section Six (6) of Chapter 116 of the Session Laws of North Dakota of 1927, Relating to the Furnishing of Seed and Feed by Counties and Declaring an Emergency.

Which the President has signed.

Very respectfully,

THOMAS McDONALD,  
Secretary.

House Bill No. 79 was read the second time.

Senator Morrison moved that House Bill No. 79 be placed at the foot of the calendar.

Which motion prevailed.

#### MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 1, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bills:

Senate Bill No. 52. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State School of Forestry, Bottineau, North Dakota.

Also,

Senate Bill No. 58. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, New Building, Equipment and Miscellaneous Expenses for the State Normal School, Dickinson, North Dakota.

Also,

Senate Bill No. 53. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Normal and Industrial School at Ellendale, North Dakota.

Also,

Senate Bill No. 54. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, New Building and Equipment for the State School of Science at Wahpeton, North Dakota.

Also,

Senate Bill No. 72. A Bill for an Act Relating to the Foreclosure of Real Estate Mortgages and Land Contracts, Pro-

viding What the Judgment and Decree Shall Contain, and Prohibit any Deficiency Judgments.

Also,

Senate Bill No. 33. A Bill for an Act Making an Appropriation to Provide a State Contingency Fund to Be Placed at the Disposal of the State Emergency Commission to Be Used as Provided by Sections 283c1 to 283c6, Inclusive, and Section 283c10 of the Supplement to the Compiled Laws of 1913.

Which the President has signed and your signature is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
March 1, 1937.

Mr. Speaker: I have the honor to return herewith the following bills:

House Bill No. 80. A Bill for an Act to Amend and Re-enact Sections 201 and 214 and 215 of the Compiled Laws of North Dakota for the Year 1913 as Amended and Re-enacted by Sections 1, 3 and 4 of Chapter 147 of the 1931 Session Laws of the State of North Dakota, and Repealing Section 213 of the Compiled Laws of North Dakota for the Year 1913 as Amended by Section 2 of Chapter 147 of the 1931 Session Laws of the State of North Dakota, and Repealing Section 217 of the 1913 Compiled Laws of the State of North Dakota, Relating to the Creation of a Fire Marshal Department.

Also,

House Bill No. 229. A Bill for an Act to Repeal Chapter 267 of the 1935 Session Laws, the Same Being an Amendment and Re-enactment of Chapter 94 of the Session Laws of the State of North Dakota for the Year 1929, Relating to the Custodian of the Capitol Building and Grounds, Describing His Duties, Powers and Compensation and Appointing of Such Custodian.

Also,

House Bill No. 179. A Bill for an Act Making it Unlawful to Obtain or Attempt to Obtain Relief by False and Fraudulent Representation.

Also,

House Bill No. 104. A Bill for an Act to Amend and Re-enact Section 1265 of the Compiled Laws of 1913, Relating to Candidates and the Official Ballot at Elections in Special School Districts.

Also,



House Bill No. 105. A Bill for an Act to Amend and Re-enact Section 1151 of the Compiled Laws of 1913, as Amended and Re-enacted by Chapter 237, Session Laws of 1927, Relating to Election of Officers of Common School Districts, and Prescribing Qualifications Therefor.

Also,

House Bill No. 47. A Bill for an Act Making an Appropriation for the Purpose of Paying Travel Expenses of the Office of the State Examiner, as Provided by Chapter 71, Session Laws of 1933.

Also,

House Bill No. 37. A Bill for an Act to Amend and Re-enact Section 1160 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to the Organization of Common School Districts.

Also,

House Bill No. 170. A Bill for an Act to Provide That the School Census in All Types of School Districts Shall Be Conducted in Odd Numbered Years Only.

Also,

House Bill No. 180. A Bill for an Act to Amend and Re-enact Section 10 of Chapter 97 of the Session Laws of 1933, Providing Duty of Relative to Aid and Right of Recovery by County or County Welfare Board.

Also,

House Bill No. 183. A Bill for an Act Authorizing County, Municipal, Township and School Board Officials to Waive the Furnishing of Surety or Personal Bonds, Where Such Funds are Insured in the Federal Deposit Insurance Corporation, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Which the Senate has passed unchanged.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senator Cain requested that the Senate return to the 7th order of business, which request was granted.

Senator Cain moved that the rules be suspended, and that the Senate reconsider the vote by which House Bill No. 78 was passed.

Which motion prevailed.

Senator Cain moved that the House be requested to return House Bill No. 78 to the Senate.

Which motion prevailed.

## MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 1, 1937.

Mr. Speaker: I have the honor to return herewith the following resolution and bills:

## HOUSE CONCURRENT RESOLUTION "L".

Also,

House Bill No. 373. A Bill for an Act Prohibiting Certain Advertising of Intoxicating Liquors and Providing a Penalty Therefor.

Also,

House Bill No. 271. A Bill for an Act Relating to the Licensing of Motor Vehicle Operators, and to the Liability of Persons for Negligence in the Operation Thereof on Public Highways; Fixing Fees to Be Paid; Providing for the Examination of Applicants for License; and for the Suspension and Revocation of Such License; Making Disposition of the Fees Collected, and Providing for Penalty for Violating the Act; Repealing Chapter 175 of the 1925 Session Laws of North Dakota and All Other Acts or Parts of Acts in Conflict Herewith.

Also,

House Bill No. 306. A Bill for an Act to Amend and Re-enact Chapter 148 of Senate Bill Number 260 of the Session Laws of North Dakota for the Year 1935, Authorizing the Highway Department to Appoint a State Highway Patrol Superintendent, an Assistant State Highway Patrol Superintendent, and Highway Police; Designating Powers and Qualifications of Such Police; Fixing Compensation and Providing for Disposition of Fines Collected.

Also,

House Bill No. 166. A Bill for an Act Creating a Fund to Be Known as the Industrial Commission Fund to Be Used by the Industrial Commission of the State of North Dakota for the Payment of Expenses Incurred When Engaged in the Performance of their Duties and Carrying Out the Provisions of Chapter 151 of the Session Laws of North Dakota for the Year 1919 at Places Other Than in the City of Bismarck, North Dakota; Making an Appropriation to Said Fund; and Declaring an Emergency.

Also,

House Bill No. 307. A Bill for an Act Amending and Re-enacting Sections 2 (f), 3, 4, 8 and 14 of Chapter 214 of the Session Laws of North Dakota for 1931: Entitled—"An Act to Establish a Standardized and Uniform System of Grading, Labeling and Inspecting Potatoes and Certain

Other Produce, and to Regulate the Sale and Distribution of Potatoes in Closed Containers, and Making an Appropriation Therefor."

Which the Senate has indefinitely postponed.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
March 1, 1937.

Mr. Speaker: I have the honor to return House Bill No. 178, which the Senate has amended as shown on page 1150 of the Senate Journal.

Very respectfully,

THOMAS McDONALD,  
Secretary.

HOUSE CONCURRENT RESOLUTION "E-1," Providing for Compilation of Permanent Journal.

Was read the second time.

ROLL CALL

The question being on the adoption of House Concurrent Resolution "E-1," the roll was called and there were ayes, 42; nays, 1; absent and not voting, 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Olson
Blaisdell	Kamrath	Owings
Brostuen	Kolpin	Skarvold
Cain	Kroeber	Strehlow
Crandall	Lavik	Streibel
Drew	Lemke	Stucke
Ettestad	Lian	Thorson
Fine	Lowe	Topp
Fredrickson	Lynn	Trout
Gilbertson	Magoffin	Vinje
Greene	McGillic	Watt
Gronvold	Morrison	Williams
Guenther	Nelson, Barnes	Wog
Guthrie	Nelson, Grand Fks.	Young

Those voting in the negative were:

Messrs.  
Whelan

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Fowler	Mutchler
Coffey	Hulteng	Thatcher

So the resolution was adopted.

HOUSE CONCURRENT RESOLUTION "D-1," Providing for Compilation of Booklet Showing Disposal of All Bills Introduced.

Was read the second time.

#### ROLL CALL

The question being on the adoption of House Concurrent Resolution "D-1," the roll was called and there were ayes, 43; nays, 0; absent and not voting, 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Olson
Blaisdell	Kolpin	Owings
Brostuen	Kroeber	Skarvold
Cain	Lavik	Strehlow
Crandall	Lemke	Streibel
Ettestad	Lian	Stucke
Fine	Lowe	Thorson
Fowler	Lynn	Topp
Fredrickson	Magoffin	Vinje
Gilbertson	McGillic	Watt
Greene	Morrison	Whelan
Gronvold	Mutchler	Williams
Guenther	Nelson, Barnes	Wog
Guthrie	Nelson, Grand Fks.	Young
Johnson		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Drew	Thatcher
Coffey	Hulteng	Trout

So the resolution was declared adopted.

Senator Owings moved that the Senate do now adjourn, which motion prevailed. The Senate stood adjourned.

THOMAS McDONALD,  
Secretary.

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#### FIFTY-SIXTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
March 1, 1937.

The Senate convened at 2:00 P. M., pursuant to adjournment, the President presiding.

Prayer by the Chaplain, Rev. Ellis L. Jackson, Bismarck.

Roll call: All members present except Senator Hulteng.

Senator Aasen moved that the absent Senator be excused.

Which motion prevailed.

**REPORT OF COMMITTEE ON REVISION AND  
CORRECTION OF THE JOURNAL**

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 Fifty-fourth Day and recommend that the same be corrected as follows:

On page 1159, line 7 from bottom of page, after the word "bottom," insert the word "of".

On page 1168, line 6 from bottom of page, strike out the words "in lieu of," and insert the words "in lieu thereof".

And when so corrected recommend that the same be approved.

C. C. MORRISON,  
Chairman.

Senator Morrison moved that the report be adopted, which motion prevailed and the report was adopted.

**MESSAGES TO THE HOUSE**

Senate Chamber,  
Bismarck, North Dakota,  
March 1, 1937.

Mr. Speaker: I have the honor to return House Bill No. 118, which the Senate has amended as shown on page 775 of the Senate Journal.

Very respectfully,

THOMAS McDONALD,  
Secretary

Senate Chamber,  
Bismarck, North Dakota,  
March 1, 1937.

Mr. Speaker: I have the honor to return House Bill No. 81, which the Senate has amended as shown on page 774 of the Senate Journal.

Very respectfully,

THOMAS McDONALD,  
Secretary.

**SENATE COMMITTEE ON ENROLLMENT AND EN-  
GROSSMENT**

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. 65. A Bill for an Act to Amend and Re-enact Section 6, of Chapter 108, of the Session Laws of 1935, Relating to Credit Unions in the State of North Dakota.

Also,

Senate Bill No. 129. A Bill for an Act Making Provision for the Use of Business Records as Evidence and Making Uniform the Law with Reference Thereto.

Also,

Senate Bill No. 5. A Bill for an Act Making an Appropriation for the Inspection and Eradication of Bee Diseases, Under the Provisions of Sections 2790a1-2790a18 of the Supplement to the 1913 Compiled Laws of North Dakota.

Also,

Senate Bill No. 57. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items of the State Normal School, Minot, North Dakota.

Also,

Senate Bill No. 130. A Bill for an Act for the Judicial Notice of the Laws of Other Jurisdictions and for Proof Thereof and to Make Uniform the Law With Reference Thereto.

And find the same correctly enrolled.

WILLIAM KROEBER,  
Chairman.

Senator Kroeber moved that the report be adopted, which motion prevailed, and the report was adopted.

#### PETITIONS AND COMMUNICATIONS

The following communications were received:

A communication from the Board of Education of International Special School District No. 5 of Portal, urging passage of House Bill No. 168.

A similar communication from Sheridan School District, LaMoire County, signed by 38 taxpayers of that school district.

A petition signed by 17 citizens of Walhalla, urging defeat of House Bill No. 253.

A telegram from the Divide County Supervisors Association, asking reinstatement and passage of House Bill No. 208 and legislation providing a legal moratorium against county and individual tax deeds for two year period.

President Thoresen presented a communication from U. S. Senator Gerald P. Nye, which was read from the desk.

Senator Trout moved that the communication be printed in the Journal.

Which motion prevailed.

United States Senate,  
Washington, D. C.,  
March 1, 1937.

Hon. T. H. H. Thoresen,  
Lieutenant Governor,  
State of North Dakota,  
Bismarck, North Dakota.

Dear Mr. Thoresen:

Though many members of the United States Senate gave a like indorsement, it was my "spot" to be the first one whose indorsement was published by the producers of a certain national product.

I presume it was both unfortunate and in bad taste to let my name be used in this connection. But when the offer was made to me of a considerable sum of money for use of my name in connection therewith, I rather lost sight of everything excepting only the splendid use to which that money could be put.

The check in payment of this indorsement by myself was made payable, in its entirety, directly to a certain North Dakota charitable institution that is doing splendid work in a meritorious field. I wanted no credit for this gift, feeling that it was hardly of my giving. I asked the Superintendent of the charitable institution in question to not reveal me as the giver. However, in light of the effort made to make me appear as one bent upon gaining riches for myself through indorsement of this certain product, I am this day releasing the charitable institution in question from any further secrecy in the matter, but, at the same time have suggested that it was not required of them to reveal the gift if they chose to continue the secrecy.

You will pardon my taking your time to read, and the time of the Legislature to hear read, these lines. I submit them only because of certain references to the subject on the floor of the Legislature and because I believe the Legislature would appreciate having these facts.

Sincerely yours,

GERALD P. NYE.

#### REPORT OF STANDING COMMITTEE

The Committee on Taxes and Tax Laws made the following report:

Mr. President: Your Committee on Taxes and Tax Laws to whom was referred House Bill No. 59,

Have had the same under consideration and recommend that the same do pass.

J. K. BROSTUEN,  
Chairman.

Senator Brostuen moved that the report be adopted, which motion prevailed and the report was adopted.

#### MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
March 1, 1937.

Mr. President: I have the honor to return herewith the following bills:

Senate Bill No. 238. A Bill for an Act Providing for the Payment to the State Treasurer of All Public Monies of the State of North Dakota, and the Disbursement and Expenditure Thereof Only Upon Prior Appropriation by the Legislature, Appropriating Certain Monies, and Providing Further that Expenditures May Be Made Only Upon Warrant After Audit of Itemized Statements of All Claims Against The State, County or Other Political Subdivision, Repealing All Acts or Parts of Acts in Conflict Therewith, Declaring an Emergency and Providing a Saving Clause.

Also,

Senate Bill No. 202. A Bill for an Act Repealing Sections 7770, 7771, 7772, 7773, 7774, 7775 and 7776 of the Compiled Laws for 1913, Dealing with Amendment of Sheriff and Clerk of Court and Procedure, and Abolishing Amercement Proceedings.

Also,

Senate Bill No. 51. A Bill for an Act to Amend and Re-enact Section 3181 of the Compiled Laws of North Dakota for 1913 and Section 3185 of the Supplement to the Compiled Laws of 1913.

Also,

Senate Bill No. 199. A Bill for an Act to Amend and Re-enact Section 2133 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Duties of the Township Board of Review, Complaints and Grievances With Reference Thereto, and Providing for an Appeal to the Board of County Commissioners, Repealing All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

Also,

Senate Bill No. 163. A Bill for an Act Providing for the Taxation of Gasoline Sold or Purchased for the Purpose of Operating and Propelling Airplanes and Aircraft, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Also,

Senate Bill No. 196. A Bill for an Act to Amend Section 6 of Chapter 85 of the Session Laws for the Year 1929, Relating to the Licensing of Airmen and Aircraft; Making Violation Thereof a Misdemeanor, and Providing the Pen-



alty Therefor; Repealing All Acts or Parts of Acts in Conflict Herewith; and Declaring This Act to Be an Emergency Measure.

Also,

Senate Bill No. 236. A Bill for an Act Prohibiting the Admission of Any Minor Into Any Retail Liquor Store in the State of North Dakota Holding an "On Sale" License Under the Provisions of the Liquor Control Act of This State, and Requiring Rigid Enforcement of This Act by Police Officials and State's Attorneys, and Declaring an Emergency.

Also,

Senate Bill No. 168. A Bill for an Act to Create, Define and Establish "Airmen's Association of the State of North Dakota," Providing for the Creation of a Fund for the Use of Said Association to be Known as "Airmen's Aviation Fund."

Also,

Senate Bill No. 227. A Bill for an Act Re-establishing the North Dakota Mill and Elevator Association; Providing for the Creation of the Board of Managers and Defining Its Powers, Duties, and Qualifications to Such Board; Providing for the Appointment of an Auditor and for the Filling of Vacancies on Such Board; Providing for Removal of Members of Such Board; Providing for the Organization of Such Board and the Matter of Conducting Business; Providing Procedure in Actions Brought Against Such Association; Providing for Employees and Bonds; Providing for Examination by the State Examiner and Repealing Chapter 268 of Session Laws of 1931 and Chapter 193 of the Session Laws of 1933.

Also,

Senate Bill No. 181. A Bill for an Act to Amend and Re-enact Section 4 of Chapter 193 of the 1933 Session Laws Relating to the Appointment of a Manager and Other Employees of the State Mill and Elevator.

Also,

Senate Bill No. 63. A Bill for an Act Establishing and Creating the North Dakota Regulatory Department, Providing for Appointment of a Director, Assistant Director and an Inspector of Said Regulatory Department, Fixing Their Salaries and Expenses, Providing for the Deposit of All Moneys Collected by Said Regulatory Department. Providing for the Duties of Said Director, Assistant Director and Inspector of Said Department, Transferring to Said Regulatory Department from the Officers Now Charged Therewith, the Enforcement of Said Regulatory Laws of This State, Imposing Certain Duties as to Inspection and Licensing of Weights and Measures and as to Collection of Certain Taxes and Providing for the Distribution of the Moneys Collected by the Regulatory Department to the Counties and State Equalization

Fund. Repealing All Acts and All Parts of Acts in Conflict Herewith.

Which the House has indefinitely postponed.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 1, 1937.

Mr. President: I have the honor to return herewith the following:

Senate Bill No. 131. A Bill for an Act Providing for the Use of Official Reports as Evidence and Making Uniform the Law With Reference Thereto.

Also,

Senate Bill No. 10. A Bill for an Act Making an Appropriation for the Purpose of Carrying Out the Provisions of Sections 1471b1 to 1471b9 and 1471c1 to 1471c8 of the Supplement to the Compiled Laws of 1913.

Also:

Senate Bill No. 35. A Bill for an Act Making an Appropriation for the Purpose of Paying Premiums on Bonds of State Officials as Provided by Section 663a1 of the Supplement to the 1913 Compiled Laws of North Dakota.

Also,

Senate Bill No. 37. A Bill for an Act Making an Appropriation for the Purpose of Refunding Money Erroneously Paid Into or Credited to the General Fund.

Also,

Senate Bill No. 39. A Bill for an Act Making an Appropriation for the Care of Feeble Minded Whose Residence Cannot Be Determined and Whose Care Must Be Borne by the State.

Also,

Senate Bill No. 96. A Bill for an Act Appropriating Six Thousand Dollars (\$6,000.00) to the State Historical Society for the Development of the International Peace Garden on the American Side in Rollette County, North Dakota.

Also,

Senate Bill No. 12. A Bill for an Act Making an Appropriation for the Per Diem, Salaries and General Expenses of the State Livestock Sanitary Board.

Also,

Senate Bill No. 41. A Bill for an Act Making an Appro-

priation for the North Dakota Soldiers' Home at Lisbon, North Dakota; Providing for Reports and Deductions, and Declaring an Emergency.

Also,

Senate Bill No. 160. A Bill for an Act Prohibiting Chattel Mortgages on Personal Property When Such Mortgage Fails to Specifically Describe the Property Mortgaged or When the Same is Designated by Group; Repealing All Acts or Parts of Acts in Conflict Herewith; and Declaring an Emergency.

Also,

Senate Bill No. 78. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the Game and Fish Department.

Also,

Senate Bill No. 178. A Bill for an Act Making an Appropriation for Improvements and Repairs at the North Dakota Soldiers' Home at Lisbon, North Dakota.

Also,

Senate Bill No. 76. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the State Highway Department.

Also,

Senate Bill No. 126. A Bill for an Act to Amend and Re-enact Section 852 of the Supplement to the Compiled Laws of 1913, Relating to the Holding of Primary Elections and Repealing All Acts or Parts of Acts in Conflict Herewith.

Also,

Senate Bill No. 64. A Bill for an Act Making an Appropriation to Provide for the Payment of a Deficit in the Appropriation for Printing Expense of the Twenty-fourth Session of the Legislative Assembly of the State of North Dakota, and Declaring an Emergency.

Also,

SENATE CONCURRENT RESOLUTION "T"

Also,

SENATE CONCURRENT RESOLUTION "U"

Which the House has passed unchanged.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 1, 1937.

Mr. President: I have the honor to return herewith Senate Bill No. 73, which the House has amended.

Amendments on page 1474, House Journal.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 1, 1937.

Mr. President: I have the honor to return herewith Senate Bill No. 30, which the House has amended.

Amendments on page 1446, House Journal.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 1, 1937.

Mr. President: I have the honor to return herewith Senate Bill No. 31, which the House has amended.

Amendments on Page 1446, House Journal.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 1, 1937.

Mr. President: I have the honor to return herewith Senate Bill No. 32, which the House has amended.

Amendments on page 1446, House Journal.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 1, 1937.

Mr. President: I have the honor to return herewith Senate Bill No. 29, which the House has amended.

Amendments on page 1445, House Journal.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

## REPORTS OF STANDING COMMITTEES

A minority of the committee on Taxes and Tax Laws made the following report:

Mr. President: A minority of your Committee on Taxes and Tax Laws to whom was referred House Bill No. 69, have had the same under consideration and recommend that the same be indefinitely postponed.

A. W. FOWLER  
TOM WHELAN  
GEORGE V. COFFEY  
J. P. CAIN

A majority of the Committee on Taxes and Tax Laws made the following report:

Mr. President: A majority of your Committee on Taxes and Tax Laws to whom was referred House Bill No. 69, have had the same under consideration and recommend that the same be amended as follows:

Strike out all of Section 1. Amendment, and add the following:

Section 1. AMENDMENT.) Section 2122a of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, as amended by that certain initiated measure entitled: "An Act to amend and re-enact Chapter 59 of the Laws of North Dakota for the year 1917 as amended by Chapter 220 of the Laws of North Dakota, enacted by the regular session of the Legislature for the year 1919 as amended by Chapter 298 of the Laws of North Dakota for the year 1923, the same being Section 2122a of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, relating to the basis of assessment of property for taxation purposes, and to reduce such basis from seventy-five (75) per cent of the full and true value thereof to fifty (50) per cent of the full and true value thereof, and repealing all Acts or parts of Acts in conflict herewith," approved and adopted by the electors at the June 29, 1932, primary election, hereby amended and re-enacted to read as follows:

Section 1. All real and personal property subject to a general property tax and not subject to any gross earnings or other lieu tax, is hereby classified for the purpose of taxation as follows:

Class 1. Class one shall include all real and personal property assessed under the law by the State Board of Equalization and shall be assessed at its full and true value and the tax computed on sixty-five (65) per cent of such assessed value.

Class 2. Class two shall include all other real and personal property not herein specifically mentioned or provided for excepting farm buildings and improvements, which are hereby exempted from all taxes, and shall be assessed at

its full and true value and the tax computed on fifty (50) per cent of such assessed value.

And when so amended recommend the same do pass.

W. J. TROUT,  
OLE ETTESTAD,  
O. E. BILDEN,  
GUST WOG,  
AXEL OLSON,  
JOHN CRANDALL,  
WILLIAM KAMRATH,  
ED. GREENE,  
J. K. BROSTUEN,  
Chairman.

Senator Brostuen moved that the majority report be adopted.

Senator Fowler moved, as a substitute motion, that the report of the minority be substituted for the report of the majority.

Roll call demanded and granted.

#### ROLL CALL

The question being on adoption of the minority report on House Bill No. 69, the roll was called and there were ayes, 9; nays, 37; absent and not voting 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Cain	Guthrie	Watt
Coffey	Nelson, Barnes	Whelan
Fowler	Nelson, Grand Fks.	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Kolpin	Owings
Bilden	Kroeber	Skarvold
Blaisdell	Lavik	Strehlow
Brostuen	Lemke	Streibel
Crandall	Lian	Stucke
Drew	Lowe	Thatcher
Ettestad	Lynn	Thorson
Fine	Magoffin	Topp
Fredrickson	McGillic	Trout
Greene	Morrison	Vinje
Gronvold	Mutchler	Williams
Johnson	Olson	Wog
Kamrath		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Gilbertson	Guenther	Hulteng

So the motion was declared lost.

The question being on the motion of Senator Brostuen that the majority report be adopted, the motion prevailed and the report was adopted.

Senator Olson moved that the vote by which the majority report on Senate Bill No. 69 was adopted be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 1, 1937.

Mr. Speaker: I have the honor to inform you that the Senate requests the return of House Bill No. 78.

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### REPORTS OF STANDING COMMITTEES

The Committee on Irrigation and Drainage made the following report:

Mr. President: Your Committee on Irrigation and Drainage to whom was referred House Bill No. 125,

Have had the same under consideration and recommend that the same be amended as follows:

1. In line 17 of the title, on page 1148 of the House Journal for February 20, 1937, strike out the word "State", the same being the first word of line 17.
  2. In line 3, of Section 6, on page 1151, strike out the word "Ten" and insert in lieu thereof the word "Eight" and in the same line strike out the figures "10" and insert in lieu thereof the figure "8".
  3. In line 12, on page 1152, following the word "Commission" add the following language: "The State health officer shall also serve as technical adviser of the Commission."
  4. On pages 1152 and 1153 of the House Journal, strike out sub-sections "(j)" and "(k)" of Section 8, and re-letter sub-sections "(l)", "(m)", "(n)" and "(o)" as sub-sections "(j)", "(k)", "(l)" and "(m)".
  5. In line 2 of sub-division "(b)" of sub-section "2" of Section 8 on page 1153, after the word "the" insert the word "public". In the same section and on the same page, strike out all of sub-section "(d)".
- In line 2 of sub-division "(5)" of the same section and on the same page, strike out the second word "and".
6. In line 5, from the bottom of page 1154, strike out the

words "Health Department" and insert in lieu thereof the words "Department of Health".

7. In line 4 from the bottom of page 1154, strike out the word "section" and insert in lieu thereof the word "act".

8. At the end of sub-section "(1)" of Section 11 on page 1156, strike out the "period" insert a "comma" after the word "herein" and the figure "(5)" and add the following: "with any department or agency of the state of North Dakota and with any political sub-division thereof".

9. In line 4 of Section 21 on page 1160, strike out the word "three" and insert in lieu thereof the word "one".

10. In the fourth line from the bottom of page 1160, Section 21, after the word "per annum" add the words "payable semi-annually".

And when so amended recommend the same do pass, subject to the approval of the Appropriations Committee as to the appropriations set forth in the Act.

F. T. GRONVOLD,  
Chairman.

Senator Gronvold moved that the report be adopted, which motion prevailed and the report was adopted.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
March 1, 1937.

Mr. President: I have the honor to inform you that the House requests the return of Senate Bill No. 185.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### REPORTS OF STANDING COMMITTEES

The Committee on Taxes and Tax Laws made the following report:

Mr. President: Your Committee on Taxes and Tax Laws to whom was referred House Bill No. 141, have had the same under consideration and recommend that the same do pass.

J. K. BROSTUEN,  
Chairman.

Senator Brostuen moved that the report be adopted, which motion prevailed and the report was adopted.

A minority of the committee on Taxes and Tax Laws made the following report:

Mr. President: A minority of your Committee on Taxes and Tax Laws to whom was referred House Bill No. 150,



have had the same under consideration and recommend that the same do pass.

W. J. TROUT  
OLE ETTESTAD  
AXEL OLSON  
WILLIAM KAMRATH  
ED. GREENE  
J. K. BROSTUEN

Chairman.

A majority of the committee on Taxes and Tax Laws made the following report:

Mr. President: A majority of your Committee on Taxes and Tax Laws to whom was referred House Bill No. 150, have had the same under consideration and recommend that the same be amended as follows:

Page 3, line 35 of the printed bill, after the word "thereon", insert the following "and city streets".

JOHN CRANDALL  
A. W. FOWLER  
TOM WHELAN  
GEORGE V. COFFEY  
G. F. DREW  
GUST WOG  
J. P. CAIN  
J. T. MCGILLIC

And when so amended recommend the same do pass.

Senator McGillic moved that the majority report be adopted.

Senator Brostuen moved, as a substitute motion, that the report of the minority be substituted for the report of the majority which motion was lost.

The question being on the motion to adopt the majority report, the motion prevailed.

The Committee on Corporations made the following report:

Mr. President: Your Committee on Corporations to whom was referred House Bill No. 165, have had the same under consideration and recommend that the same be indefinitely postponed.

MILTON R. YOUNG,  
Chairman.

Senator Young moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Immigration and Statistics made the following report:

Mr. President: Your Committee on Immigration and Statistics to whom was referred House Bill No. 219, have had the same under consideration and recommend that the same do pass.

N. N. NELSON,  
Chairman.

Senator Nelson of Grand Forks moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Public Safety made the following report:

Mr. President: Your Committee on Public Safety to whom was referred House Bill No. 240 have had the same under consideration and recommend that the same do pass.

A. C. NELSON,  
Chairman.

Senator Nelson moved that the report be adopted, which motion prevailed and the report was adopted.

#### MESSAGE FROM THE HOUSE

House of Representatives.  
Bismarck, North Dakota.  
March 1, 1937.

Mr. President: I have the honor to return herewith House Bill No. 78 as per your request.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

Senator Fowler moved that House Bill No. 78 be referred to the Committee on Judiciary.

Which motion prevailed.

#### REPORTS OF STANDING COMMITTEES

The Committee on Taxes and Tax Laws made the following report:

Mr. President: Your Committee on Taxes and Tax Laws to whom was referred House Bill No. 303, have had the same under consideration and recommend that the same be indefinitely postponed.

J. K. BROSTUEN,  
Chairman.

Senator Brostuen moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Irrigation and Drainage made the following report:

Mr. President: Your Committee on Irrigation and Drainage to whom was referred House Bill No. 341, have had the

same under consideration and recommend that the same be amended as follows:

In line 3, Section 1, page 1, of the printed bill, immediately following the comma after the word "Governor," insert the following: "a member selected by the United States Bureau of Biological Survey."

In line 5, Section 3, page 2, of the printed bill, immediately following the word "Governor," insert a comma and the following: "the member selected by the United States Bureau of Biological Survey."

In line 1, Section 8, page 4, of the printed bill, immediately following the period following the figure "8," strike out the entire section beginning with the word "Repeal" and insert in lieu thereof the following: "Nothing herein contained shall repeal, amend, or modify any existing acts or statutes pertaining to the appropriation or use of water, and nothing herein contained shall be deemed to interfere with any vested rights to the use of water."

Add the following section: "Section 9. REPEAL.) All Acts, or parts of Acts, in conflict herewith are hereby repealed."

And when so amended recommend the same do pass.

F. T. GRONVOLD,  
Chairman.

Senator Gronvold moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 112, have had the same under consideration and return the same without recommendation.

J. P. CAIN,  
Chairman.

Senator McGillic moved that House Bill No. 112 be placed on the calendar.

Which motion prevailed.

A minority of the Committee on Elections made the following report:

Mr. President: A minority of your Committee on Elections to whom was referred House Bill No. 299, have had the same under consideration and recommend that the same do pass.

AXEL OLSON,  
E. F. MUTCHLER.

A majority of the Committee on Elections made the following report:

Mr. President: A majority of your Committee on Elec-

tions to whom was referred House Bill No. 299, have had the same under consideration and recommend that the same be indefinitely postponed.

WM. A. THATCHER,  
WM. KROEBER,  
OTTO TOPP,  
JOHN CRANDALL,  
H. C. GUENTHER,  
F. T. GRONVOLD.  
E. F. MUTCHLER,  
Chairman.

Senator Thatcher moved that the majority report be adopted.

Senator Olson moved, as a substitute motion, that the report of the minority be substituted for the report of the majority.

Roll call demanded and granted.

#### ROLL CALL

The question being on the adoption of the minority report on House Bill No. 299, the roll was called and there were ayes, 24; nays, 23; absent and not voting 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Lemke	Skarvold
Ettestad	Lian	Streibel
Fine	Magoffin	Stucke
Greene	Morrison	Thorson
Johnson	Mutchler	Trout
Kamrath	Nelson, Barnes	Vinje
Kolpin	Olson	Williams
Lavik	Owings	Wog

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Gilbertson	Nelson, Grand Fks.
Blaisdell	Gronvold	Strehlow
Cain	Guenther	Thatcher
Coffey	Guthrie	Topp
Crandall	Kroeber	Watt
Drew	Lowe	Whelan
Fowler	Lynn	Young
Fredrickson	McGillic	

Absent and not voting:

Messrs.	Messrs.
Brostuen	Hulteng

So the minority report was adopted.

Senator Watt moved that the Senate do not concur in the House amendments to Senate Bills. No. 29, 30, 31, 32, 33, 81,

and 104, and that a conference committee be appointed to consider the amendments to these bills, which were companion bills.

Which motion prevailed.

The President appointed the following conference committee, Senators Fowler, Vinje and Fredrickson.

Senator Aasen moved that the Senate reconsider the vote by which House Bill No. 203 was indefinitely postponed, which motion prevailed.

Senator Aasen moved that House Bill No. 203 be placed on the calendar.

Which motion prevailed.

Senator McGillic moved that House Bill No. 203 be amended as follows:

On the printed bill, line 11, of Section 1, after the word "department", insert the words "or the head of any department".

Which motion prevailed.

Senator Fowler moved that House Bill No. 203 be further amended as follows:

In line 1 of the title, also in line 1 of Section 1, strike out the word "Section" and insert the word "Chapter".

Which motion prevailed.

Senator Fowler moved that the rules be suspended and House Bill No. 203 be placed upon Second Reading and Final Passage as amended.

Which motion prevailed.

#### SECOND READING OF HOUSE BILLS

House Bill No. 203. A Bill for an Act to Amend and Re-enact Section 201 of the 1935 Session Laws Relating to Limiting the Hours of Employment of Municipal Employees, Fixing the Penalty for Violation Thereof, and Repealing All Acts and Parts of Acts in Conflict Therewith, 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, 37; nays, 9; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.  
Aasen  
Bilden

Messrs.  
Johnson  
Kamrath

Messrs.  
Olson  
Owings

Messrs.	Messrs.	Messrs.
Blaisdell	Kolpin	Skarvold
Coffey	Lavik	Strehlow
Crandall	Lemke	Streibel
Ettestad	Lian	Stucke
Fine	Lynn	Thatcher
Fowler	Magoffin	Thorson
Fredrickson	McGillic	Trout
Gilbertson	Morrison	Whelan
Greene	Mutchler	Wog
Guenther	Nelson, Barnes	Young
Guthrie		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Cain	Kroeber	Topp
Drew	Lowe	Vinje
Gronvold	Nelson, Grand Fks.	Watt

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Hulteng	Williams

So the bill passed and the title was agreed to.

Senator Lemke moved that the Senate concur in the House amendments to Senate Bill No. 73.

Which motion prevailed.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 73. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, New Building, Equipment and Miscellaneous Items for the Grafton State School at Grafton, North Dakota.

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, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Olson
Bilden	Kamrath	Owings
Blaisdell	Kolpin	Skarvold
Cain	Kroeber	Strehlow
Coffey	Lavik	Streibel
Crandall	Lemke	Stucke
Drew	Lian	Thatcher
Ettestad	Lowe	Thorson
Fowler	Lynn	Topp
Fredrickson	Magoffin	Trout
Gilbertson	McGillic	Vinje

Messrs.	Messrs.	Messrs.
Greene	Morrison	Watt
Gronvold	Mutchler	Whelan
Guenther	Nelson, Barnes	Wog
Guthrie	Nelson, Grand Fks.	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Hulteng	Williams
Fine		

So the bill passed and the title was agreed to.

MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 1, 1937.

Mr. Speaker: I have the honor to inform you that the Senate has concurred in the House amendment to Senate Bill No. 73.

Very respectfully,

THOMAS McDONALD,  
Secretary.

The Senate resumed consideration of the committee report on House Bill No. 109, action on which had been deferred one legislative day.

Senator Fowler moved, as a substitute motion, that further consideration of House Bill No. 109 be indefinitely postponed.

Which motion prevailed.

Senator Fowler moved that further consideration of House Bill No. 110 be indefinitely postponed.

Which motion prevailed.

Senator Fowler moved that further consideration of House Bill No. 111 be indefinitely postponed.

Which motion prevailed.

Senator Strehlow moved that the vote by which House Bill No. 109 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table.

Which motion lost.

Senator Fredrickson moved that the Senate comply with the request of the House and return Senate Bill No. 185 to the House.

Which motion prevailed.

## MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 1, 1937.

Mr. Speaker: I have the honor to return Senate Bill No. 185, in accordance with your request for its return.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senator Stucke moved that the Senate reconsider the vote by which House Bill No. 357 was indefinitely postponed, which motion prevailed.

Senator Stucke moved that House Bill No. 357 be placed on the calendar, which motion prevailed.

Senator Cain moved that House Bill No. 357 be placed on second reading and final passage.

Which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 357. A Bill for an Act to Apply and Make Applicable the Provisions of the House Bill No. 32 of the Twenty-Fifth Legislative Assembly and Chapter 195 of the Laws of 1935 as Amended by House Bill Number 32 Afore-said, to "Warrants for Emergency Poor Relief" Issued Pursuant to Chapter 120 of the Laws of 1935 and Issued Prior to January 1st, 1939.

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; passed, 1.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Olson
Bilden	Kamrath	Owings
Cain	Kolpin	Skarvold
Coffey	Kroeber	Strehlow
Crandall	Lavik	Streibel
Drew	Lemke	Stucke
Ettestad	Lian	Thatcher
Fine	Lowe	Thorson
Fowler	Lynn	Topp
Fredrickson	Magoffin	Trout
Gilbertson	McGillic	Vinje
Greene	Morrison	Watt



Messrs.	Messrs.	Messrs.
Gronvold	Mutchler	Whelan
Guenther	Nelson, Barnes	Young
Guthrie	Nelson, Grand Fks.	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Williams	Wog
Hulteng		

Passed

Messrs.  
Blaisdell

So the bill passed and the title was agreed to.

Senator Cain moved that Senator Blaisdell be excused from voting on House Bill 357.

Which motion prevailed.

The Senate resumed consideration of the committee report on House Bill No. 193, action on which had been deferred one legislative day.

Senator Greene moved to correct the report of the Standing Committee by inserting the following: on page 1162, after line 31: "Strike out all of Section 2".

Which motion prevailed.

Senator Whelan moved that House Bill No. 160 be amended as follows:

In line 9, Section 2, of the printed bill, beginning with the words "no school," strike out balance of the section.

Which motion prevailed.

Senator Fowler moved that House Bill No. 160 be further amended as follows:

In line 1, of Section 1, after the figure "1," insert the word "Amendment," and add the following: "That Chapter 242, Session Laws of 1931, be amended and re-enacted to read as follows:"

Which motion prevailed.

Senator Fine moved that the rules be suspended and House Bill No. 160 be placed on Second Reading and Final Passage, as amended.

Which motion prevailed.

House Bill No. 160. A Bill for an Act Amending and Re-enacting Chapter 242 of the 1931 Session Laws of the State of North Dakota; Defining High Schools and Schools Doing High School Work, and Providing That Superintendent of

Public Instruction Shall Provide State Course of Study for High Schools as Herein Defined.

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, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kolpin	Skarvold
Bilden	Kroeber	Strehlow
Brostuen	Lavik	Streibel
Coffey	Lemke	Stucke
Drew	Lian	Thorson
Ettestad	Lynn	Topp
Fine	Magoffin	Trout
Fowler	Morrison	Vinje
Gilbertson	Mutchler	Watt
Greene	Nelson, Barnes	Whelan
Gronvold	Nelson, Grand Fks.	Williams
Guthrie	Olson	Wog
Johnson	Owings	Young
Kamrath		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Lowe	Thatcher
Guenther		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Cain	Fredrickson	McGillic
Crandall	Hulteng	

So the bill passed and the title was agreed to.

Senator Kroeber moved that the vote by which House Bill No. 160 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 33. A Bill for an Act to Establish Cream Grading and Testing; to Establish Grades of Cream Quality, Methods for Determining Such Grades and Provisions to Insure the Purchase of Cream on the Basis of Such Grade; to Establish Equitable Differentials of Value Between Grades; Establishing Necessary Licensing Provisions; Providing Penalties for Violation of the Act and Repealing 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, 1; absent and not voting, 4.

Those voting in the affirmative were:

<b>Messrs.</b>	<b>Messrs.</b>	<b>Messrs.</b>
Aasen	Guthrie	Owings
Bilden	Johnson	Skarvold
Blaisdell	Kamrath	Strehlow
Brostuen	Kolpin	Streibel
Cain	Kroeber	Stucke
Coffey	Lavik	Thatcher
Crandall	Lemke	Thorson
Drew	Lian	Topp
Ettestad	Lowe	Vinje
Fine	Lynn	Watt
Fowler	Magoffin	Whelan
Gilbertson	Morrison	Williams
Greene	Mutchler	Wog
Gronvold	Nelson, Barnes	Young
Guenther	Nelson, Grand Fks.	

Those voting in the negative were:

**Messrs.**  
Olson

Absent and not voting:

<b>Messrs.</b>	<b>Messrs.</b>	<b>Messrs.</b>
Fredrickson	McGillic	Trout
Hulteng		

So the bill passed and the title was agreed to.

Senator Young moved that the vote by which House Bill No. 33 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 123. A Bill for an Act Relating to Petitions by Patrons and Users of Services of Public Utility Companies for Reduction of Public Utility Rates, Authorizing Negotiations Touching Such Rates, Providing for Temporary Reductions or Increases in Rates, and for Refunds and Reparations, and Jurisdiction and Duties of the Board of Railroad Commissioners, and 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, the roll was called and there were ayes, 45; nays, 0; absent and not voting, 4.

Those voting in the affirmative were:

<b>Messrs.</b>	<b>Messrs.</b>	<b>Messrs.</b>
Aasen	Guenther	Nelson, Grand Fks.
Bilden	Guthrie	Olson

Messrs.	Messrs.	Messrs.
Blaisdell	Johnson	Owings
Brostuen	Kamrath	Skarvold
Cain	Kolpin	Strehlow
Coffey	Kroeber	Streibel
Crandall	Lavik	Stucke
Drew	Lemke	Thatcher
Ettestad	Lian	Thorson
Fine	Lowe	Topp
Fowler	Lynn	Vinje
Fredrickson	Magoffin	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Wog
Gronvold	Nelson, Barnes	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Hulteng	Trout	Williams
McGillic		

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Senator Fowler moved that the vote by which House Bill No. 123 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Lian moved that the Senate do now recess for ten minutes, which motion prevailed.

The Senate reconvened pursuant to recess taken.

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign:

Senate Bill No. 5. A Bill for an Act Making an Appropriation for the Inspection and Eradication of Bee Diseases, Under the Provisions of Sections 2790a1-2790a18 of the Supplement to the 1913 Compiled Laws of North Dakota.

Also,

Senate Bill No. 57. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items of the State Normal School, Minot, North Dakota.

Also,

Senate Bill No. 130. A Bill for an Act for the Judicial Notice of the Laws of Other Jurisdictions and for Proof Thereof and to Make Uniform the Law With Reference Thereto.

Also,

Senate Bill No. 65. A Bill for an Act to Amend and Re-

enact Section 6, of Chapter 108, of the Session Laws of 1935, Relating to Credit Unions in the State of North Dakota.

Also,

Senate Bill No. 129. A Bill for an Act Making Provision for the Use of Business Records as Evidence and Making Uniform the Law with Reference Thereto.

And the President signed the same in the presence of the Senate.

SECOND READING OF HOUSE BILLS

House Bill No. 124. A Bill for an Act Relating to the Jurisdiction and Powers of the Board of Railroad Commissioners of the State of North Dakota, Relating to Hearings and Investigations in Connection With Public Utilities; and Relating to the Payment of Expenses of Hearings, and Investigations, and Valuations, and/or Revaluations, and of Methods of Assessing and Collecting the Same, Re-creating and Continuing "Public Utility Fund," a Revolving Fund, and Declaring an Emergency, and Repealing All Acts or Parts of Acts in Conflict Herewith, Except the Provisions of Acts Relating to "Public Utility Fund."

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, 13.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Nelson, Grand Fks.
Bilden	Kamrath	Olson
Blaisdell	Kolpin	Owings
Cain	Kroeber	Skarvold
Drew	Lemke	Strehlow
Ettestad	Lian	Streibel
Fowler	Lynn	Stucke
Fredrickson	Magoffin	Thatcher
Gilbertson	McGillic	Topp
Greene	Morrison	Vinje
Gronvold	Mutchler	Watt
Guenther	Nelson, Barnes	Whelan

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Hulteng	Trout
Coffey	Lavik	Williams
Crandall	Lowe	Wog
Fine	Thorson	Young
Guthrie		

So the bill passed, the title was agreed to, and the emergency clause was declared carried.

Senator Fowler moved that the vote by which House Bill No. 124 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 163. A Bill for an Act to Amend and Re-enact Section 4969, Compiled Laws of North Dakota for 1913; Requiring Accident and Sickness Insurance Corporations, Associations or Societies to Have and Maintain Admitted Assets of \$10,000.00; Repealing All Acts or Parts of Acts in Conflict Herewith; 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, 8.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Nelson, Grand Fks.
Bilden	Guthrie	Olson
Blaisdell	Johnson	Owings
Cain	Kamrath	Skarvold
Coffey	Kolpin	Strehlow
Crandall	Kroeber	Streibel
Drew	Lemke	Stucke
Ettestad	Lian	Thatcher
Fine	Lynn	Topp
Fowler	Magoffin	Trout
Fredrickson	McGillic	Vinje
Gilbertson	Morrison	Watt
Greene	Mutchler	Wog
Gronvold	Nelson, Barnes	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Lowe	Williams
Hulteng	Thorson	Young
Lavik	Whelan	

So the bill passed, the title was agreed to, and the emergency clause was declared carried.

House Bill No. 173. A Bill for an Act to Amend and Re-enact Section 7 of Chapter 152 of the Session Laws of North Dakota for 1935, Relating to the Licensing of Resident Agents for Surety and Insurance Companies Other Than Life Insurance Companies.

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, 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Nelson, Grand Fks.
Bilden	Johnson	Olson
Blaisdell	Kamrath	Owings
Cain	Kolpin	Skarvold
Coffey	Kroeber	Strehlow
Crandall	Lavik	Streibel
Drew	Lemke	Stucke
Ettestad	Lian	Thatcher
Fine	Lowe	Topp
Fowler	Lynn	Trout
Fredrickson	Magoffin	Vinje
Gilbertson	McGillic	Watt
Greene	Morrison	Wog
Gronvold	Mutchler	
Guenther	Nelson, Barnes	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Thorson	Williams
Hulteng	Whelan	Young

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

House Bill No. 196. A Bill for an Act to Amend and Re-enact Section 189c14 of the Supplement to the Compiled Laws of 1913 as Amended and Re-enacted by Section 12 of Chapter 153 Session Laws of 1935 Relating to Collection of Premiums for Fire and Tornado Insurance on Public Buildings and Investment by the State Treasurer, 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, 47; nays, 0; absent and not voting 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Johnson	Owings
Blaisdell	Kamrath	Skarvold
Brostuen	Kolpin	Strehlow
Cain	Kroeber	Streibel
Coffey	Lavik	Stucke
Crandall	Lemke	Thatcher
Drew	Lian	Thorson
Ettestad	Lowe	Topp
Fine	Lynn	Trout
Fowler	Magoffin	Vinje

Messrs.	Messrs.	Messrs.
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Wog
Gronvold	Nelson, Barnes	Young
Guenther	Nelson, Grand Fks	

Absent and not voting:

Messrs.	Messrs.
Hulteng	Williams

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 1, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bills:

Senate Bill No. 5. A Bill for an Act Making an Appropriation for the Inspection and Eradication of Bee Diseases, Under the Provisions of Sections 2790a1-2790a18 of the Supplement to the 1913 Compiled Laws of North Dakota.

Also,

Senate Bill No. 129. A Bill for an Act Making Provision for the Use of Business Records as Evidence and Making Uniform the Law with Reference Thereto.

Also,

Senate Bill No. 65. A Bill for an Act to Amend and Re-enact Section 6, of Chapter 108, of the Session Laws of 1935, Relating to Credit Unions in the State of North Dakota.

Also,

Senate Bill No. 130. A Bill for an Act for the Judicial Notice of the Laws of Other Jurisdictions and for Proof Thereof and to Make Uniform the Law With Reference Thereto.

Also,

Senate Bill No. 57. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items of the State Normal School, Minot, North Dakota.

Which the President has signed and your signature is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.



MONDAY, MARCH 1, 1937

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MESSAGES TO THE SENATE

House of Representatives,  
Bismarck, North Dakota,  
March 1, 1937.

Mr. President: I have the honor to transmit herewith the following bills:

House Bill No. 177. A Bill for an Act Authorizing the Secretary of Agriculture and Labor to Issue an Official Brand Book Showing All the Livestock Brands Now of Record in His Office, Making the Same Receivable in Evidence as Proof of Brands and the Ownership Thereof, and Making an Appropriation Therefor, and Declaring an Emergency.

Also,

House Bill No. 53. A Bill for an Act Making It Unlawful to Encourage, Cause or Contribute to the Delinquency of a Minor.

Also,

House Bill No. 223. A Bill for an Act Making an Appropriation for the Payment of the Expenses to Be Incurred by Boys' and Girls' Club Work at State and District Fairs.

Also,

House Bill No. 39. A Bill for an Act Providing for the Regulation of Roving Grain Buyers, Other Than Public Warehouses or Public Warehousemen and Track Buyers, and Defining Who Are Such Roving Grain Buyers; Act Not Amicable to Whom; License and Bond Required; Powers and Duties of Railroad Commission; Granting the Board of Railroad Commissioners Power to Make Rules and Regulations Governing the Business of Roving Grain Buyers; Records Required by Dealers; Appropriating the Fees Collected to the Use of the Board of Railroad Commissioners for the Administration and Enforcement of the Act; Penalty for Violation of Act.

Which the Speaker has signed and your signature is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 1, 1937.

Mr. President: I have the honor to return herewith the following bills:

Senate Bill No. 52. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and

Repairs, Equipment and Miscellaneous Expenses of the State School of Forestry, Bottineau, North Dakota.

Also,

Senate Bill No. 58. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, New Building, Equipment and Miscellaneous Expenses for the State Normal School, Dickinson, North Dakota.

Also,

Senate Bill No. 53. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Normal and Industrial School at Ellendale, North Dakota.

Also,

House Bill No. 54. A Bill for an Act Prohibiting the Marriage of Minors Under the Supervision of the Juvenile Court or State Training School, Without Order of the Juvenile Court.

Also,

Senate Bill No. 72. A Bill for an Act Relating to the Foreclosure of Real Estate Mortgages and Land Contracts, Providing What the Judgment and Decree Shall Contain, and Prohibit any Deficiency Judgments.

Also,

Senate Bill No. 33. A Bill for an Act Making an Appropriation to Provide a State Contingency Fund to Be Placed at the Disposal of the State Emergency Commission to Be Used as Provided by Sections 283c1 to 283c6, Inclusive, and Section 283c10 of the Supplement to the Compiled Laws of 1913.

Which the Speaker has signed.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### SECOND READING OF HOUSE BILLS

House Bill No. 221. A Bill for an Act Permitting and Authorizing the Adoption of Civil Service by Cities Having a Population in Excess of 4,000 According to the Latest Official Census, Federal or State; Providing for Such Adoption by Passage or Ordinance; When Not so Adopted, by Proceeding by Petition and Election Based Thereon; Providing for Abolishing Such Civil Service After Adoption by Vote of Electors; Prescribing Procedure With Respect Thereto; and Penalties for Violations Hereof.

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 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Nelson, Grand Fks.
Bilden	Johnson	Olson
Blaisdell	Kamrath	Owings
Brostuen	Kolpin	Skarvold
Cain	Kroeber	Strehlow
Coffey	Lavik	Streibel
Crandall	Lemke	Thatcher
Drew	Lian	Thorson
Ettestad	Lowe	Topp
Fine	Lynn	Trout
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Watt
Greene	Morrison	Whelan
Gronvold	Mutchler	Wog
Gunther	Nelson, Barnes	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Gilbertson	Stucke	Williams
Hulteng		

So the bill passed and the title was agreed to.

Senator Blaisdell moved that the vote by which House Bill No. 221 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 1, 1937.

Mr. Speaker: I have the honor to inform you that the Senate has refused to concur in the House amendments to Senate Bills No. 29, 30, 31, 32, 81 and 104, and the President has appointed as a Conference Committee Senators Fowler, Vinje and Fredrickson.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senator Fine moved that the Senate reconsider the vote by which House Bill No. 160 was passed.

Which motion prevailed.

Senator Fine moved to strike out the Senate amendment to Section 2.

Which motion prevailed.

Senator Fine moved that the rules be suspended and House Bill No. 160 be placed upon Second Reading and Final Passage, as amended.

### SECOND READING OF HOUSE BILLS

Which motion prevailed.

House Bill No. 160. A Bill for an Act Amending and Re-enacting Chapter 242 of the 1931 Session Laws of the State of North Dakota; Defining High Schools and Schools Doing High School Work, and Providing That Superintendent of Public Instruction Shall Provide State Course of Study for High Schools as Herein Defined.

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, 7; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Johnson	Owings
Brostuen	Kamrath	Skarvold
Cain	Kolpin	Streibel
Coffey	Lavik	Stucke
Crandall	Lemke	Thatcher
Drew	Lian	Thorson
Ettestad	Lynn	Topp
Fine	Magoffin	Trout
Fredrickson	McGillic	Vinje
Gilbertson	Morrison	Wog
Greene	Mutchler	Young
Gronvold	Nelson, Barnes	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Lowe	Watt
Fowler	Nelson, Grand Fks.	Whelan
Guenther	Strehlow	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Hulteng	Kroeber	Williams

So the bill passed and the title was agreed to.

House Bill No. 233. A Bill for an Act Declaring That All Beer and Ale Manufactured or Sold in the State of North Dakota Containing 4%, or Less, of Alcohol by Weight, Shall Be Controlled by and Subject to the Provisions of the State Laws Relating to 3.2 Alcohol Content Beer; 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, 6; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Owings
Bilden	Johnson	Skarvold
Blaisdell	Kamrath	Strehlow
Brostuen	Kolpin	Streibel
Cain	Lavik	Stucke
Coffey	Lian	Thatcher
Crandall	Lowe	Thorson
Ettestad	Lynn	Topp
Fine	Magoffin	Vinje
Fowler	McGillic	Watt
Fredrickson	Morrison	Wog
Greene	Nelson, Barnes	Young
Gronvold	Nelson, Grand Fks.	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Drew	Guthrie	Mutchler
Gilbertson	Kroeber	Olson

Absent and not voting:

Messrs.	Messrs.	Messrs.
Hulteng	Trout	Williams
Lemke	Whelan	

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

House Bill No. 234. A Bill for an Act Requiring All Licensed Liquor Dealers to Make Available Reports, Records, Vouchers, Books, and Other Documents to the State Treasurer; Providing for Examination; Providing Penalties for Delinquencies and for Violations.

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, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Nelson, Grand Fks.
Bilden	Johnson	Olson
Blaisdell	Kamrath	Owings
Brostuen	Kolpin	Skarvold
Cain	Kroeber	Strehlow
Coffey	Lavik	Streibel
Crandall	Lemke	Stucke

Messrs.	Messrs.	Messrs.
Drew	Lian	Thatcher
Ettestad	Lowe	Thorson
Fowler	Lynn	Topp
Fredrickson	Magoffin	Vinje
Gilbertson	McGillic	Watt
Greene	Morrison	Whelan
Gronvold	Mutchler	Wog
Guenther	Nelson, Barnes	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fine	Trout	Williams
Hulteng		

So the bill passed and the title was agreed to.

The President called Senator Thorson to the chair.

House Bill No. 249. A Bill for an Act Providing for the Collection of Real Property Taxes by the Collection of Rents from Such Property, Providing for the Duties of the District Court and the County Treasurer in Connection Therewith, Providing for the Service of the Court Order, the Application of Such Rents by the County Treasurer, Providing for Contempt for Failure to Comply with the Order of the Court, Providing That the Payments of the Rent Under the Order Shall Have Precedence Over Prior and Subsequent Liens and Assignments, Providing for Appeals, Providing That the Remedy is in Addition to Other Remedies, Repealing All Acts or Parts of Acts in Conflict Therewith 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, 47; nays, 0; absent and not voting 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Johnson	Owings
Blaisdell	Kamrath	Skarvold
Brostuen	Kolpin	Strehlow
Cain	Kroeber	Streibel
Coffey	Lavik	Stucke
Crandall	Lemke	Thatcher
Drew	Lian	Thorson
Ettestad	Lowe	Topp
Fine	Lynn	Trout
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Wog
Gronvold	Nelson, Barnes	Young
Guenther	Nelson, Grand Fks.	

Absent and not voting:

Messrs.	Messrs.
Hulteng	Williams

So the bill passed and the title was agreed to. The emergency clause was declared carried.

Senator Fowler moved that the vote by which House Bill No. 249 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Blaisdell: I vote "aye" on this bill, because I think it is a good farmers bill.

The President resumed the chair.

#### 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 Bill No. 52. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State School of Forestry, Bottineau, North Dakota.

Also,

Senate Bill No. 58. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, New Building, Equipment and Miscellaneous Expenses for the State Normal School, Dickinson, North Dakota.

Also,

Senate Bill No. 53. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Normal and Industrial School at Ellendale, North Dakota.

Also:

Senate Bill No. 72. A Bill for an Act Relating to the Foreclosure of Real Estate Mortgages and Land Contracts, Providing What the Judgment and Decree Shall Contain, and Prohibit any Deficiency Judgments.

Also,

Senate Bill No. 33. A Bill for an Act Making an Appropriation to Provide a State Contingency Fund to Be Placed at the Disposal of the State Emergency Commission to Be Used as Provided by Sections 283c1 to 283c6, Inclusive, and Section 283c10 of the Supplement to the Compiled Laws of 1913.

Also,

Senate Bill No. 54. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and

Repairs, New Building and Equipment for the State School of Science at Wahpeton, North Dakota.

Were delivered to the Governor for his approval at the hour of 5 p. m. o'clock, March 1, 1937.

WM. KROEBER,  
Chairman.

Senator Stucke requested that the Senate return to the Eleventh Order of Business, which request was granted.

Senators Lian, Stucke and Fine introduced:

SENATE CONCURRENT RESOLUTION "V"

Relative to the proposal to add to the number of Justices in the United States Supreme Court.

Senator Whelan moved that the resolution be referred to the Committee on Judiciary.

Which motion prevailed.

MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 1, 1937.

Mr. Speaker: I have the honor to return:

House Bill No. 249. A Bill for an Act Providing for the Collection of Real Property Taxes by the Collection of Rents from Such Property, Providing for the Duties of the District Court and the County Treasurer in Connection Therewith, Providing for the Service of the Court Order, the Application of Such Rents by the County Treasurer, Providing for Contempt for Failure to Comply with the Order of the Court, Providing That the Payments of the Rent Under the Order Shall Have Precedence Over Prior and Subsequent Liens and Assignments, Providing for Appeals, Providing That the Remedy is in Addition to Other Remedies, Repealing All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

Which the Senate has amended as follows:

In the printed bill on page 2, line 15, strike out the words "by law" and insert the word "herein". On page 2, Section 2, line 5, after the word "hearing" insert the word "may".

On page 3, line 12, after the word "mailed" add a period, strike out the balance of the section.

On page 4, Section 6, line 3, after the word "any" strike out the words "prior or".

Very respectfully,

THOMAS McDONALD,  
Secretary

SECOND READING OF HOUSE BILLS

House Bill No. 260. A Bill for an Act to Repeal Sections



10133 and 10134 of the Compiled Laws of North Dakota of 1913 Being the Act Making it Unlawful to Advertise Intoxicating Liquors Within the State and Prescribing Penalty Therefor.

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, 24; nays, 20; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Guenther	Lynn
Brostuen	Guthrie	McGillic
Cain	Kamrath	Morrison
Coffey	Kolpin	Nelson, Grand Fks.
Crandall	Kroeber	Streibel
Ettestad	Lavik	Topp
Gilbertson	Lian	Whelan
Gronvold	Lowe	Wog

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Bilden	Magoffin	Stucke
Drew	Mutchler	Thorson
Fine	Nelson, Barnes	Trout
Fowler	Olson	Vinje
Greene	Owings	Watt
Johnson	Skarvold	Young
Lemke	Strehlow	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Aasen	Hulteng	Williams
Fredrickson	Thatcher	

So the bill was declared lost for want of a constitutional majority.

Senator Fowler: I vote "no" for the purpose of reconsideration.

Senator Blaisdell moved that House Bill No. 229 be amended as follows:

On page 5 of the printed bill, line 5 of Section 11, strike out the word "less" and insert the word "more".

In line 6, after the first word "Dollars" strike out the balance of the line".

In line 7, strike out the word "less" and insert the word "more", and after the words "ten days", strike out the following: "or more than thirty days".

Which motion prevailed.

Senator Blaisdell moved that the rules be suspended and House Bill No. 291 be placed upon Second Reading and Final Passage, as amended.

Which motion prevailed.

House Bill No. 291. A Bill for an Act for the Protection of Health and Prevention of Fraud and Deception in Cosmetics; for the Prevention of Adulteration, Misbranding and False Advertising Thereof; Requiring Labeling Thereof; Providing for the Enforcement of the Provisions of the Act; and to Provide Penalties for the Violation Thereof.

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, 0; absent and not voting 9.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Kamrath	Nelson, Grand Fks.
Blaisdell	Kolpin	Olson
Brostuen	Kroeber	Owings
Cain	Lavik	Skarvold
Coffey	Lemke	Strehlow
Crandall	Lian	Streibel
Drew	Lowe	Stucke
Ettestad	Lynn	Thorson
Gilbertson	Magoffin	Topp
Greene	McGillic	Trout
Gronvold	Morrison	Watt
Guenther	Mutchler	Wog
Guthrie	Nelson, Barnes	Young
Johnson		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Aasen	Fredrickson	Vinje
Fine	Hulteng	Whelan
Fowler	Thatcher	Williams

So the bill passed and the title was agreed to.

House Bill No. 304. A Bill for an Act to Provide for the Assessment of Car Line Companies, Express Companies, Pipe Line Companies, and Air Transportation Companies. Providing for the Allocation of the Tax to the State of North Dakota; and Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring and 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 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Johnson	Owings
Blaisdell	Kamrath	Skarvold
Brostuen	Kolpin	Strehlow
Cain	Kroeber	Streibel
Coffey	Lavik	Stucke
Crandall	Lemke	Thorson
Drew	Lian	Topp
Ettestad	Lowe	Trout
Fowler	Lynn	Vinje
Fredrickson	Magoffin	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fine	McGillic	Thatcher
Hulteng		

So the bill passed, the title was agreed to, and the emergency clause was declared carried.

MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
March 1, 1937.

Mr. President: I have the honor to return herewith the following bills:

Senate Bill No. 130. A Bill for an Act for the Judicial Notice of the Laws of Other Jurisdictions and for Proof Thereof and to Make Uniform the Law With Reference Thereto.

Also,

Senate Bill No. 65. A Bill for an Act to Amend and Re-enact Section 6, of Chapter 108, of the Session Laws of 1935, Relating to Credit Unions in the State of North Dakota.

Also,

Senate Bill No. 129. A Bill for an Act Making Provision for the Use of Business Records as Evidence and Making Uniform the Law with Reference Thereto.

Also,

Senate Bill No. 5. A Bill for an Act Making an Appropriation for the Inspection and Eradication of Bee Diseases,

Under the Provisions of Sections 2790a1-2790a18 of the Supplement to the 1913 Compiled Laws of North Dakota.

Also,

Senate Bill No. 57. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items of the State Normal School, Minot, North Dakota.

Which the Speaker has signed.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 1, 1937.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendments to House Bills No. 118, 81 and 178.

Also,

That the Speaker has appointed Representatives Beggs, Hultstrand and Dullea to serve with a like committee of the Senate on Senate Bills No. 29, 30, 31, 32, 81 and 104.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

Senator Fowler moved that the Senate reconsider the vote by which House Bill No. 260 was lost, which motion prevailed.

Senator Fowler moved that House Bill No. 260 be placed upon second reading and final passage.

Which motion prevailed.

#### SECOND READING OF HOUSE BILLS

House Bill No. 260. A Bill for an Act to Repeal Sections 10133 and 10134 of the Compiled Laws of North Dakota of 1913 Being the Act Making it Unlawful to Advertise Intoxicating Liquors Within the State and Prescribing Penalty Therefor.

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, 30; nays, 17; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Guenther	Morrison
Brostuen	Guthrie	Nelson, Grand Fks.

Messrs.	Messrs.	Messrs.
Cain	Kamrath	Owings
Coffey	Kolpin	Streibel
Crandall	Kroeber	Thatcher
Ettestad	Lavik	Topp
Fowler	Lian	Trout
Fredrickson	Lowe	Whelan
Gilbertson	Lynn	Williams
Gronvold	McGillic	Wog

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Magoffin	Stucke
Bilden	Mutchler	Thorson
Drew	Nelson, Barnes	Vinje
Fine	Olson	Watt
Greene	Skarvold	Young
Johnson	Strehlow	

Absent and not voting:

Messrs.	Messrs.
Hulteng	Lemke

So the bill passed and the title was agreed to.

Senator Blaisdell moved that the vote by which House Bill No. 260 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Thorson moved that House Bill No. 308 be placed at the foot of the calendar.

Which motion prevailed.

Senator Watt moved that further consideration of House Bill No. 79 be indefinitely postponed. The vote being a tie, a roll call was requested and granted.

### ROLL CALL

The question being on the motion for indefinite postponement of House Bill No. 79, the roll was called and there were ayes, 25; nays, 22; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Strehlow
Brostuen	Kolpin	Thatcher
Crandall	Kroeber	Trout
Drew	Lavik	Watt
Ettestad	Lian	Whelan
Fowler	Lowe	Williams
Gilbertson	Nelson, Barnes	Wog
Gronvold	Nelson, Grand F'ks.	Young
Guenther		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Bilden	Kamrath	Olson
Blaisdell	Lemke	Owings
Cain	Lynn	Skarvold
Coffey	Magoffin	Streibel
Fine	McGillic	Stucke
Fredrickson	Morrison	Thorson
Greene	Mutchler	Vinje
Guthrie		

Absent and not voting:

Messrs.	Messrs.
Hulteng	Topp

So the motion carried.

Senator Watt moved that the vote by which House Bill No. 79 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 311. A Bill for an Act Authorizing the State Treasurer to Execute on Behalf of the State Satisfactions of Mortgages on National Guard Armories in the State of North Dakota Given in Accordance With the Provisions of Chapter 174 of the Session Laws of North Dakota for 1907 and Amendments Thereto, 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:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Owings
Bilden	Johnson	Skarvold
Blaisdell	Kamrath	Strehlow
Brostuen	Kolpin	Streibel
Cain	Kroeber	Thatcher
Coffey	Lavik	Thorson
Crandall	Lemke	Topp
Drew	Lian	Trout
Ettestad	Lowe	Vinje
Fine	Magoffin	Watt
Fowler	McGillic	Whelan
Fredrickson	Morrison	Williams
Gilbertson	Mutchler	Wog
Greene	Nelson, Barnes	Young
Gronvold	Nelson, Grand Fks.	
Guenther	Olson	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Hulteng	Lynn	Stucke

So the bill passed, the title was agreed to, and the emergency clause was declared carried.

**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. 126. A Bill for an Act to Amend and Re-enact Section 852 of the Supplement to the Compiled Laws of 1913, Relating to the Holding of Primary Elections and Repealing All Acts or Parts of Acts in Conflict Herewith.

Also,

Senate Bill No. 131. A Bill for an Act Providing for the Use of Official Reports as Evidence and Making Uniform the Law With Reference Thereto.

Also,

Senate Bill No. 35. A Bill for an Act Making an Appropriation for the Purpose of Paying Premiums on Bonds of State Officials as Provided by Section 663a1 of the Supplement to the 1913 Compiled Laws of North Dakota.

Also,

Senate Bill No. 37. A Bill for an Act Making an Appropriation for the Purpose of Refunding Money Erroneously Paid Into or Credited to the General Fund.

Also,

Senate Bill No. 41. A Bill for an Act Making an Appropriation for the North Dakota Soldiers' Home at Lisbon, North Dakota; Providing for Reports and Deductions, and Declaring an Emergency.

Also,

Senate Bill No. 64. A Bill for an Act Making an Appropriation to Provide for the Payment of a Deficit in the Appropriation for Printing Expense of the Twenty-fourth Session of the Legislative Assembly of the State of North Dakota, and Declaring an Emergency.

Also,

Senate Bill No. 76. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the State Highway Department.

Also,

Senate Bill No. 96. A Bill for an Act Appropriating Six Thousand Dollars (\$6,000.00) to the State Historical Society

for the Development of the International Peace Garden on the American Side in Rollette County, North Dakota.

Also,

Senate Bill No. 119. A Bill for an Act Regulating All Benevolent Corporations, Associations or Societies Operating on Voluntary or Involuntary Assessment or Contribution Plan, Which Provide for Protective and/or Indemnity Benefits, Excepting Benevolent Corporations as Defined by Chapter 23, Compiled Laws of 1931, and for the Repeal of Chapter 160 of the Session Laws of 1931, and Acts or Parts of Acts in Conflict Herewith.

Also,

Senate Bill No. 160. A Bill for an Act Prohibiting Chattel Mortgages on Personal Property When Such Mortgage Fails to Specifically Describe the Property Mortgaged or When the Same is Designated by Group; Repealing All Acts or Parts of Acts in Conflict Herewith; and Declaring an Emergency.

Also,

Senate Bill No. 78. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the Game and Fish Department.

And find the same correctly enrolled.

WILLIAM KROEBER,  
Chairman.

Senator Kroeber 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. 126. A Bill for an Act to Amend and Re-enact Section 852 of the Supplement to the Compiled Laws of 1913, Relating to the Holding of Primary Elections and Repealing All Acts or Parts of Acts in Conflict Herewith.

Also,

Senate Bill No. 131. A Bill for an Act Providing for the Use of Official Reports as Evidence and Making Uniform the Law With Reference Thereto.

Also,

Senate Bill No. 41. A Bill for an Act Making an Appropriation for the North Dakota Soldiers' Home at Lisbon, North Dakota; Providing for Reports and Deductions, and Declaring an Emergency.

Also,

Senate Bill No. 37. A Bill for an Act Making an Appro-



appropriation for the Purpose of Refunding Money Erroneously Paid Into or Credited to the General Fund.

Also,

Senate Bill No. 35. A Bill for an Act Making an Appropriation for the Purpose of Paying Premiums on Bonds of State Officials as Provided by Section 663a1 of the Supplement to the 1913 Compiled Laws of North Dakota.

Also,

Senate Bill No. 64. A Bill for an Act Making an Appropriation to Provide for the Payment of a Deficit in the Appropriation for Printing Expense of the Twenty-fourth Session of the Legislative Assembly of the State of North Dakota, and Declaring an Emergency.

Also,

Senate Bill No. 76. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the State Highway Department.

Also,

Senate Bill No. 86. A Bill for an Act Providing for the Extermination of Bots in Horses and Mules; Defining Bot Treatment; Prescribing the Duties of Township Boards When Petitioned.

Also,

Senate Bill No. 78. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the Game and Fish Department.

Also,

Senate Bill No. 160. A Bill for an Act Prohibiting Chattel Mortgages on Personal Property When Such Mortgage Fails to Specifically Describe the Property Mortgaged or When the Same is Designated by Group; Repealing All Acts or Parts of Acts in Conflict Herewith; and Declaring an Emergency.

Also,

Senate Bill No. 119. A Bill for an Act Regulating All Benevolent Corporations, Associations or Societies Operating on Voluntary or Involuntary Assessment or Contribution Plan, Which Provide for Protective and/or Indemnity Benefits, Excepting Benevolent Corporations as Defined by Chapter 23, Compiled Laws of 1931, and for the Repeal of Chapter 160 of the Session Laws of 1931, and Acts or Parts of Acts in Conflict Herewith.

Also,

House Bill No. 177. A Bill for an Act Authorizing the Secretary of Agriculture and Labor to Issue an Official Brand

Book Showing All the Livestock Brands Now of Record in His Office, Making the Same Receivable in Evidence as Proof of Brands and the Ownership Thereof, and Making an Appropriation Therefor, and Declaring an Emergency.

Also,

House Bill No. 39. A Bill for an Act Providing for the Regulation of Roving Grain Buyers, Other Than Public Warehouses or Public Warehousemen and Track Buyers, and Defining Who Are Such Roving Grain Buyers; Act Not Amicable to Whom; License and Bond Required; Powers and Duties of Railroad Commission; Granting the Board of Railroad Commissioners Power to Make Rules and Regulations Governing the Business of Roving Grain Buyers; Records Required by Dealers; Appropriating the Fees Collected to the Use of the Board of Railroad Commissioners for the Administration and Enforcement of the Act; Penalty for Violation of Act.

Also,

House Bill No. 223. A Bill for an Act Making an Appropriation for the Payment of the Expenses to Be Incurred by Boys' and Girls' Club Work at State and District Fairs.

Also,

House Bill No. 53. A Bill for an Act Making It Unlawful to Encourage, Cause or Contribute to the Delinquency of a Minor.

And the President signed the same in the presence of the Senate.

#### COURTESIES OF THE FLOOR

The courtesies of the floor were extended to:

Selma Walstead, Bismarck; Leo M. Mondry, Ardoch; Richard Monday, Minto; John Burianek, Grafton; Mr. and Mrs. James McCrary J. P. Lorengen, Sherwood; Margaret Lorengen, Mohall.

Senator Whelan moved that the Senate do now adjourn, which motion prevailed. The Senate stood adjourned.

THOMAS McDONALD,  
Secretary.

FIFTY-SEVENTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
March 2, 1937.

The Senate convened at 2:00 P. M., pursuant to adjournment, the President presiding.

Prayer by the Chaplain, Rev. F. E. Logee, Bismarck.

Roll Call: All members present except Senator Hulteng.

Senator Streibel moved that the absent Senator be excused, which motion prevailed.

REPORT OF COMMITTEE ON CORRECTION AND  
REVISION OF THE JOURNAL

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 54th day after recess and fifty-sixth day and recommend that the same be corrected as follows:

On page 1255, at bottom of page, insert the following: "Also Senate Bill No. 54" and insert appropriate title.

And when so corrected recommend that the same be approved.

C. C. MORRISON,  
Chairman.

Senator Owings moved that the report be adopted, which motion prevailed and the report was adopted.

MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 2, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bills:

House Bill No. 177. A Bill for an Act Authorizing the Secretary of Agriculture and Labor to Issue an Official Brand Book Showing All the Livestock Brands Now of Record in His Office, Making the Same Receivable in Evidence as Proof of Brands and the Ownership Thereof, and Making an Appropriation Therefor, and Declaring an Emergency.

Also,

House Bill No. 39. A Bill for an Act Providing for the Regulation of Roving Grain Buyers, Other Than Public Warehouses or Public Warehousemen and Track Buyers, and Defining Who Are Such Roving Grain Buyers; Act Not Amicable to Whom; License and Bond Required; Powers and Duties of Railroad Commission; Granting the Board of Railroad Commissioners Power to Make Rules and Regulations Governing the Business of Roving Grain Buyers; Records Required by Dealers; Appropriating the Fees Collected to the Use of the Board of Railroad Commissioners for the Administration and Enforcement of the Act; Penalty for Violation of Act.

Also,

House Bill No. 223. A Bill for an Act Making an Appropriation for the Payment of the Expenses to Be Incurred by Boys' and Girls' Club Work at State and District Fairs.

Also,

House Bill No. 53. A Bill for an Act Making It Unlawful to Encourage, Cause or Contribute to the Delinquency of a Minor.

Which the President has signed.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
March 2, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bills:

Senate Bill No. 64. A Bill for an Act Making an Appropriation to Provide for the Payment of a Deficit in the Appropriation for Printing Expense of the Twenty-fourth Session of the Legislative Assembly of the State of North Dakota, and Declaring an Emergency.

Also,

Senate Bill No. 76. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the State Highway Department.

Also,

Senate Bill No. 96. A Bill for an Act Appropriating Six Thousand Dollars (\$6,000.00) to the State Historical Society for the Development of the International Peace Garden on the American Side in Rollette County, North Dakota.

Also,

Senate Bill No. 78. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the Game and Fish Department.

Also,

Senate Bill No. 160. A Bill for an Act Prohibiting Chattel Mortgages on Personal Property When Such Mortgage Fails to Specifically Describe the Property Mortgaged or When the Same is Designated by Group; Repealing All Acts or Parts of Acts in Conflict Herewith; and Declaring an Emergency.

Also,

Senate Bill No. 119. A Bill for an Act Regulating All Benevolent Corporations, Associations or Societies Operating on Voluntary or Involuntary Assessment or Contribution Plan, Which Provide for Protective and/or Indemnity Benefits, Excepting Benevolent Corporations as Defined by Chapter 23, Compiled Laws of 1931, and for the Repeal of Chapter 160 of the Session Laws of 1931, and Acts or Parts of Acts in Conflict Herewith.

Which the President has signed and your signature is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
March 2, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bills:

Senate Bill No. 131. A Bill for an Act Providing for the Use of Official Reports as Evidence and Making Uniform the Law With Reference Thereto.

Also,

Senate Bill No. 41. A Bill for an Act Making an Appropriation for the North Dakota Soldiers' Home at Lisbon, North Dakota; Providing for Reports and Deductions, and Declaring an Emergency.

Also,

Senate Bill No. 37. A Bill for an Act Making an Appropriation for the Purpose of Refunding Money Erroneously Paid Into or Credited to the General Fund.

Also,

Senate Bill No. 126. A Bill for an Act to Amend and Re-enact Section 852 of the Supplement to the Compiled Laws of 1913, Relating to the Holding of Primary Elections and Repealing All Acts or Parts of Acts in Conflict Herewith.

Also,

Senate Bill No. 35. A Bill for an Act Making an Appropriation for the Purpose of Paying Premiums on Bonds of State Officials as Provided by Section 663a1 of the Supplement to the 1913 Compiled Laws of North Dakota.

Which the President has signed and your signature is respectfully requested.

Very respectfully,

THOMAS McDONALD.  
Secretary.

#### PETITIONS AND COMMUNICATIONS

The following petition was received, read from the desk, and referred to the appropriate committee:

Petition signed by 185 taxpayers of Ward, Burleigh, McLean and Mountrail counties, urging passage of House Bill No. 193.

#### 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. 10, Senate Bill No. 12 and Senate Bill No. 178, and find the same correctly enrolled.

WILLIAM KROEBER,  
Chairman.

Senator Kroeber moved that the report be adopted, which motion prevailed, and the report was adopted.

#### REPORTS OF STANDING COMMITTEES

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 78,

Have had the same under consideration and recommend that the same be amended as follows:

At the end of the title in the re-engrossed bill and after the word "Hereof:" add the following: "and Declaring an Emergency".

In Section 1, on page 2, in line 9, in sub-division (e), strike

out the word and figures "sixty (60)" and insert in lieu thereof the word and figures "forty (40)".

At the end of Section 5 on page 4 of the re-engrossed bill, add the following: "Provided however, that the provisions of this Act shall not apply to any road construction or road repair contract financed in whole, or in part, through Federal Aid furnished by the Bureau of Public Roads of the Department of Agriculture, except such Bureau approve the provisions hereof."

In Sec. 6, page 4 of the re-engrossed bill, line four of such section, strike out the word and figures "thirty (30)" and insert in lieu thereof the word and figures "ten (10)".

In line 7 of the same section, strike out the word and figures "thirty (30)" and insert in lieu thereof the word and figures "ten (10)".

On page 8 of the re-engrossed bill following Section 14, insert as new Section 15, to read as follows: "Section 15. An emergency is hereby declared to exist and this Act shall take effect and be in force from and after its passage and approval, except as hereinbefore provided".

Re-number Section 15 as Section 16.

And when so amended recommend the same do pass.

J. P. CAIN,  
Chairman.

Senator Cain moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Highways made the following report:

Mr. President: Your Committee on Highways to whom was referred House Bill No. 85,

Have had the same under consideration and recommend that the same do pass.

GUST WOG,  
Chairman.

Senator Wog moved that the report be adopted, which motion prevailed and the report was adopted.

A minority of the Committee on Insurance made the following report:

Mr. President: A minority of your committee on Insurance to whom was referred House Bill No. 116,

Have had the same under consideration and recommend that the same be amended as follows:

1. On page 2, in line 6, Section 5, after the word "become" change the word "effected" to "effective".

2. On page 4, in line 13, Section 7, correct the spelling of the word "therefor".

3. On page 5, in line 2, Section 9, correct the spelling of the word "township".
4. On page 7, in line 23, Section 10, after the word "but" change the word "shall" to read "such".
5. On page 7, in line 1, Section 11, correct the spelling of the word "AFFIDAVIT".
6. On page 7, line 1, Section 11, after the word "owner" strike out the word "of" and insert in lieu thereof the word "or".
7. On page 10, line 22, Section 12, strike out the word "re-installment" and insert in lieu thereof the word "reinstatement".
8. On page 10, line 5, Section 13, correct the spelling of the word "Bismarck".
9. On page 15, line 1, Section 21, strike out the word "persons" and insert in lieu thereof the word "person".
10. On page 16, in line 3, Section 24, strike out the word "wrongly" and insert in lieu thereof the word "wrongfully".
11. On page 16, line 12, Section 25, strike out the word "of" and insert in lieu thereof the word "on".
12. On page 17, line 4, Section 26, correct the spelling of the word "be".

And when so amended recommend the same do pass.

R. A. OWINGS,  
C. W. FINE,  
C. C. MORRISON,  
WM. A. THATCHER.

A majority of the Committee on Insurance made the following report:

Mr. President: A majority of your Committee on Insurance to whom was referred House Bill No. 116,

Have had the same under consideration and recommend that the same be indefinitely postponed.

GEORGE V. COFFEY,  
J. P. CAIN,  
GUST WOG,  
FRED J. FREDRICKSON,  
JAMES W. GUTHRIE,

Senator Coffey moved that the majority report be adopted.

Senator Thatcher moved, as a substitute motion, that the report of the minority be substituted for the report of the majority.

Senator Cain moved, as a substitute motion, that further



consideration of House Bill No. 116 be deferred one legislative day.

Which motion prevailed.

The Committee on Banks and Banking made the following report:

Mr. President: Your Committee on Banks and Banking to whom was referred House Bill No. 188, have had the same under consideration and recommend that the same do pass.

MAX H. STREHLOW,  
Chairman.

Senator Strehlow moved that the report be adopted, which motion prevailed, and the report was adopted.

The Committee on Banks and Banking made the following report:

Mr. President: Your Committee on Banks and Banking to whom was referred House Bill No. 189, have had the same under consideration and recommend that the same do pass.

MAX H. STREHLOW,  
Chairman.

Senator Strehlow moved that the report be adopted, which motion prevailed, and the report was adopted.

#### MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 2, 1937.

Mr. Speaker: I have the honor to return herewith the following bills and resolutions:

House Bill No. 33. A Bill for an Act to Establish Cream Grading and Testing; to Establish Grades of Cream Quality, Methods for Determining Such Grades and Provisions to Insure the Purchase of Cream on the Basis of Such Grade; to Establish Equitable Differentials of Value Between Grades; Establishing Necessary Licensing Provisions; Providing Penalties for Violation of the Act and Repealing Acts or Parts of Acts in Conflict Herewith.

Also,

House Bill No. 123. A Bill for an Act Relating to Petitions by Patrons and Users of Services of Public Utility Companies for Reduction of Public Utility Rates, Authorizing Negotiations Touching Such Rates, Providing for Temporary Reductions or Increases in Rates, and for Refunds and Reparations, and Jurisdiction and Duties of the Board of Railroad Commissioners, and Declaring an Emergency, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Also,

House Bill No. 130. A Bill for an Act to Amend and Re-enact Section 3264 of the Compiled Laws of North Dakota for 1913 Relating to the Term of Office of County Commissioners.

Also,

House Bill No. 136. A Bill for an Act to Amend and Re-enact Sections 5512, 5513, 5514 and 5515 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to Transfer of Interests of Real Estate by Corporations; Repealing All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

Also,

House Bill No. 137. A Bill for an Act Amending and Re-enacting Section 7812 of the Compiled Laws of North Dakota for the Year 1913, as to the Furnishing of Surety for Costs in District Court Actions by Plaintiffs Who Are Non-Residents of the State or Foreign Corporations Other Than United States Corporations.

Also,

House Bill No. 139. A Bill for an Act to Amend and Re-enact Section 9020 of the Compiled Laws of North Dakota for the Year 1913, and to Provide for the Furnishing of Surety for Costs by Plaintiffs Who Are Non-Residents or Corporations Other Than United States Corporations; Declaring an Emergency.

Also,

House Bill No. 156. A Bill for an Act Levying a Tax of One-half of One Mill Upon Each Dollar of Assessed Valuation of All Taxable Property Within the State for the Years 1937 and 1938, for the Purpose of Paying the Interest and Creating a Sinking Fund for the Payment of the Principal of the North Dakota Real Estate Bonds Now Outstanding.

Also,

House Bill No. 204. A Bill for an Act Amending and Re-enacting Section 3274 of the 1913 Compiled Laws of North Dakota Relating to the Authority of County Commissioners to Sell County Real and Personal Property; Authorizing the County Commissioners to Reserve All or Any Part of the Oil, Gas, Coal and/or Mineral Rights in Land so Sold; Repealing All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

Also,

House Bill No. 214. A Bill for an Act to Validate Actions Taken in Cities in Connection With Special Elections of the Question of Erecting Electric Light and Power Systems and Authorizing the Construction of Such Systems, and Declaring an Emergency.

Also,

House Bill No. 221. A Bill for an Act Permitting and Authorizing the Adoption of Civil Service by Cities Having a Population in Excess of 4,000 According to the Latest Of-

ficial Census, Federal or State; Providing for Such Adoption by Passage or Ordinance; When Not so Adopted, by Proceeding by Petition and Election Based Thereon; Providing for Abolishing Such Civil Service After Adoption by Vote of Electors; Prescribing Procedure With Respect There-to; and Penalties for Violations Hereof.

Also,

House Bill No. 260. A Bill for an Act to Repeal Sections 10133 and 10134 of the Compiled Laws of North Dakota of 1913 Being the Act Making it Unlawful to Advertise Intoxicating Liquors Within the State and Prescribing Penalty Therefor.

Also,

House Bill No. 264. A Bill for an Act Authorizing, Directing and Empowering the Proper Officers of the State of North Dakota to Release Any Interest Which the State of North Dakota Has Against Lot Fifteen (15) and the North Half (N½) of Lot Fourteen (14) in Block Thirty-Nine (39) of the Original Plat of the City of Jamestown, North Dakota, by Virtue of a Loan of \$5,000.00 Made by the State of North Dakota to Said Training School in the Year 1911, and Declaring an Emergency.

Also,

House Bill No. 320. A Bill for an Act to Amend and Re-enact Section 5574 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to the Form of Certificates of Acknowledgment; Repealing All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Also,

House Bill No. 332. A Bill for an Act Creating Pensions for Disabled or Retired Policemen, Their Widows, and Children Under Sixteen Years of Age; Disabled or Retired Police Matrons and Their Children Under Sixteen Years of Age; and Widows of Policemen Who Die in the Service, and Their Children Under Sixteen Years of Age; in Cities Now or Hereafter Having a Population in Excess of Twenty-five (25,000) Thousand by the Last Official Census, Federal or State; and Providing for a Fund Out of Which Such Pensions Shall Be Paid; and for the Establishment of a Pension Board for the Management, Control and Distribution of Such Fund.

Also,

HOUSE CONCURRENT RESOLUTION "E-1"

Also,

HOUSE CONCURRENT RESOLUTION "D-1"

Which the Senate has passed unchanged.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
March 2, 1937.

Mr. Speaker: I have the honor to return:

House Bill No. 98. A Bill for an Act Directing the Board of Administration to Engage Competent Engineering Experts to Determine What Can Be Done to Remedy the Poor Hearing Qualities of the House Chamber and Advise on Cost Thereof; Proceed to Have Same Done if at a Cost Not in Excess of \$2,500; Making an Appropriation, and Declaring an Emergency.

Which the Senate has amended on page 1079 of the Senate Journal, and passed as amended.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
March 2, 1937.

Mr. Speaker: I have the honor to return herewith the following bills and resolutions:

House Bill No. 79. A Bill for an Act Requiring the Commissioner of Insurance to Deposit All Receipts of the Department With the State Treasurer, and Providing for the Establishment of an Insurance Department Operating Account, and Requiring All Expenses of the Insurance Department to Be Paid Out of Such Insurance Department Operating Account. Repeal.

Also,

House Bill No. 87. A Bill for an Act to Amend and Re-enact Section 35 of Chapter 148 of the 1931 Session Laws, as Amended by Section 35 of Chapter 143 of the 1935 Session Laws, Relating to the Bag and Possession Limits on Protected Game Birds, and Prescribing a Penalty for the Violation of the Provisions Hereof.

Also,

HOUSE CONCURRENT RESOLUTION "T".

Also,

HOUSE CONCURRENT RESOLUTION "U".

Also,

HOUSE CONCURRENT RESOLUTION "W".

Which the Senate has indefinitely postponed.

Very respectfully,

THOMAS McDONALD,  
Secretary.

## REPORTS OF STANDING COMMITTEES

The Committee on Highways made the following report:

Mr. President: Your Committee on Highways to whom was referred House Bill No. 312, have had the same under consideration and recommend that the same do pass.

GUST WOG,  
Chairman.

Senator Wog moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Agriculture and Livestock made the following report:

Mr. President: Your Committee on Agriculture and Livestock to whom was referred House Bill No. 318, have had the same under consideration and recommend that the same do pass.

HERMAN THORSON,  
Chairman.

Senator Thorson moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Agriculture and Livestock made the following report:

Mr. President: Your Committee on Agriculture and Livestock to whom was referred House Bill No. 201, have had the same under consideration and recommend that the same do pass.

HERMAN THORSON,  
Chairman.

Senator Thorson moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Corporations made the following report:

Mr. President: Your Committee on Corporations to whom was referred House Bill No. 228, have had the same under consideration and recommend that the same be amended as follows:

On page 1 of the printed bill, line 4, strike out the word "Any," and insert in lieu thereof the words "The electors of any".

In line 6, strike out the word "is" and insert in lieu thereof the word "are".

On page 2 of the printed bill, line 18, strike out the word "fifteen," and insert in lieu thereof the word "twenty-five".

In lines 20 and 21, strike out the words "and fifteen" and insert in lieu thereof the words "or twenty-five".

On page 2 in line 32 and page 3 in line 33, strike out the

following language: "shall call a special election, unless a" and insert in lieu thereof the following language: "shall submit the proposed question at the next".

On page 3 of the printed bill, line 33, strike out the following language: "is fixed within ninety".

On page 3, line 34, strike out the word "days," and the words "special or".

On page 3, line 35, strike out the words "if one is so fixed".

On page 3, line 36, strike out the words "But if," and strike out all of lines 37, 38, 39, 40, 41, and in line 42, strike out the language "certificate of sufficiency is attached to said petition"; and insert in lieu thereof the following language: "Provided, however, that if such petition is signed by not less than forty per centum of the electors as herein defined the governing board of the city shall either pass said ordinance without change or present the same to the electorate at a special municipal election to be held not later than forty days after the auditor's certificate of sufficiency is attached to such petition, unless a general municipal election is to be held within ninety days after the attaching of such certificate of sufficiency, in which case the question shall not be presented to the electorate until such general municipal election."

And when so amended recommend the same do pass.

MILTON R. YOUNG,  
Chairman.

Senator Young moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Highways made the following report:

Mr. President: Your Committee on Highways to whom was referred House Bill No. 248, have had the same under consideration and recommend that the same be amended as follows:

All amendments are on the printed bill, which was not amended in the House.

1. In Section 1, line 2, strike out the word "person" and insert in lieu thereof "owner of a motor vehicle".

2. In Section 2, page 2, line 9, after the word "Act", strike out the period and insert a semi-colon and add the following: "in order that no undue burden be imposed on interstate commerce, the provisions of this Act shall not apply to common carrier vehicles engaged in interstate commerce."

3. In Section 3, line 4, after the word "credited", strike out the words "as follows".

4. In Section 3, strike out all of lines 5, 6 and 7 and insert in lieu thereof the following: "to the Motor Vehicle Registration Fund".

5. On page 3 of the bill in Section 6, strike out all of line 1 after the word "Emergency"; all of line 2; all of line 3; all of line 4; all of line 5 and all of line 6, to and including the word "basis".

6. Change the letter "t" in the word "this" to a capital "T" so that Section 6 will read: "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.

GUST WOG,  
Chairman.

Senator Wog moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Banks and Banking made the following report:

Mr. President: Your Committee on Banks and Banking to whom was referred House Bill No. 280, have had the same under consideration and recommend that the same do pass.

MAX H. STREHLOW,  
Chairman.

Senator Strehlow moved that the report be adopted, which motion prevailed and the report was adopted.

#### MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
March 2, 1937.

Mr. President: I have the honor to return herewith Senate Bill No. 101; amendments on page 1562 of the House Journal.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 2, 1937.

Mr. President: I have the honor to return herewith Senate Bill No. 20 which the House has amended.

Amendments on page 1526 of the House Journal.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 2, 1937.

Mr. President: I have the honor to return herewith Senate Bill No. 256 which the House has amended.

Amendments on page 1525 of the House Journal.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 2, 1937.

Mr. President: I have the honor to return herewith the following bills:

Senate Bill No. 179. A Bill for an Act to Provide for the Conservation, Protection, Improvement and Profitable Use of Agricultural Land Resources of the State of North Dakota and for Co-operation with the Governments and Agencies of Other States and of the United States Pursuant to the Provisions of Section 7 of an Act of the Congress of the United States Known as the Soil Conservation and Domestic Allotment Act, to Assent to and Accept the Provisions of Said Act; and, in Conformity With the Provisions of Said Act, to Designate and Authorize the North Dakota Agricultural College, Extension Service as the State Agency of This State in Conformity With Such Provisions, to Formulate, Submit to the Secretary of Agriculture of the United States, and Administer, State Plans to Carry Out the Provisions of This Act, to Define the Powers and Duties of said State Agency, to Provide for State Committee and Otherwise to Provide for the Administration of This Act.

Also,

Senate Bill No. 91. A Bill for an Act to Amend and Re-enact Section 9660 of the Compiled Laws of 1913 Defining a Lottery.

Also,

Senate Bill No. 192. A Bill for an Act Making an Appropriation for a Pension for Mrs. Thelma Crites, Widow of National Guardsman John E. Crites.

Also,

Senate Bill No. 247. A Bill for an Act Making an Appropriation for Payment of a Deficit in the Amount Appropriated for Payment of Per Diem of Employees of Twenty-Fifth Legislative Assembly, and Declaring an Emergency.

Also,

Senate Bill No. 212. A Bill for an Act Providing for the



Cancellation and Release of Gas and Oil Leases Which Have Expired by the Terms Thereof and Have Not Been Renewed of Record Within Five Years After the Expiration Thereof, and Declaring an Emergency.

Also,

Senate Bill No. 252. A Bill for an Act to Amend and Re-enact Section 2, of Chapter 274, of the Session Laws of North Dakota for the Year 1935, Relating to the Deduction of Delinquent Personal Property Taxes from Salaries or Other Compensation of Elective and Appointive Officers, Agents and Employees of the State of North Dakota, All Bureaus, Boards, Commissions and Departments, and All Persons Receiving Public Funds and Extending the Application Thereof to Persons Receiving, Claiming or Demanding Money from Municipalities and Political Sub-divisions Within the State.

Also,

Senate Bill No. 239. A Bill for an Act Authorizing and Directing the State Historical Society of North Dakota to Sell to the United States Government Lands Acquired for Park Purposes at Arrowood Lake in Stutsman County, North Dakota and Providing for Manner of Disposing of Funds Accruing From Said Sale, and Declaring an Emergency.

Which the House has passed unchanged.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 2, 1937.

Mr. President: I have the honor to return herewith the following bills:

Senate Bill No. 137. A Bill for an Act Vesting in and Imposing Upon the State Welfare Board Additional Powers and Duties, Repealing Sections 283b6 and 283b7, Supplement to the Compiled Laws, 1913, and Declaring an Emergency.

Also,

Senate Bill No. 250. A Bill for an Act to Amend and Re-enact Section 4444 and 4446 of Chapter 9 of the Supplement to the Compiled Laws of North Dakota for the Year 1913, Providing for Adoption of Minors and Adults, and Declaring an Emergency.

Also,

Senate Bill No. 253. A Bill for an Act to Amend and Re-enact Sections 5 and 6 of Chapter 109 of the Session Laws

of North Dakota for the Year 1935, Relating to Mutual Aid Corporations, and Declaring an Emergency.

Also,

Senate Bill No. 205. A Bill for an Act Empowering the State Public Health Advisory Council to Make, Amend, Repeal and Suspend Public Health Regulations Concerning the Production, Transportation, Processing, Handling, Sampling, Examination, Grading, Labeling, Regrading, and Sale of Milk and Milk Products, the Inspection of Health Certificates on Dairy Herds, Dairies and Milk Plants.

Also,

Senate Bill No. 189. A Bill for an Act to Amend and Re-enact Sub-section 19 of Section 3861 of the Compiled Laws of North Dakota for the Year 1913, Relating to Penalties Imposed for Violation of Village Ordinances; and Declaring an Emergency.

Also,

Senate Bill No. 154. A Bill for an Act to Provide a Method of Voting at any General or Primary Election by Electors Absent or Anticipating Being Absent on the Day of Such Election from the County in Which They are Electors, Repealing Sections 992, 993, 995 and 996 of the Compiled Laws of North Dakota 1913 as Amended by Chapter 136 of the 1931 Session Laws and by Chapter 107 of the 1933 Session Laws, and Repealing Sections 994, 997, 998, 999, 1000, 1001, 1002, 1003 and 1004 of the Compiled Laws of North Dakota 1913, and Repealing all Acts or Parts of Acts in Conflict Herewith.

Also,

Senate Bill No. 183. A Bill for an Act to Authorize and Empower the Public Welfare Board to Borrow Money from the Bank of North Dakota, and Declaring an Emergency.

Also,

Senate Bill No. 244. A Bill for an Act Making an Appropriation to the State Historical Society for the Purchase of Land and/or Materials to Be Used in the Reconstruction of Fort Abercrombie; and Declaring an Emergency.

Also,

Senate Bill No. 218. A Bill for an Act Providing for the Payment of a Bounty on Crows.

Which the House has indefinitely postponed.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 2, 1937.

Mr. President: I have the honor to return herewith Senate Bill No. 70, which the House has amended.

Amendments on page 1589, House Journal.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

### REPORTS OF STANDING COMMITTEES

The Committee on Corporations made the following report:

Mr. President: Your Committee on Corporations to whom was referred House Bill No. 297, have had the same under consideration and recommend that the same be amended as follows:

Strike out everything after "A Bill" and insert in lieu thereof the following:

"For an Act to Amend and Re-enact Section 2 of Chapter 281 of the Session Laws of 1927; Repealing Chapter 74 of the Session Laws of 1929, and Providing an Appropriation for the Paying of Salary, Clerkhire, Travel and General Expenses of the Office of Veterans' Service Commissioner.

"Section 1. AMENDMENT.) Section 2 of Chapter 281 of the Session Laws of 1927 is hereby amended and re-enacted to read as follows:

"Section 2. QUALIFICATIONS AND APPOINTMENT.) Such commissioner shall be appointed for a period of two years by the Governor of the State of North Dakota and such appointment shall be given to one of three persons selected by a committee composed of the Department Commander of the United Spanish War Veterans, Department of North Dakota, the Department Commander of the Veterans of Foreign Wars of the United States, Department of North Dakota, the Department Commander of the American Legion, Department of North Dakota, the Department Commander of Disabled American Veterans of the World War, Department of North Dakota, and the Adjutant General of the State of North Dakota, or a majority thereof. Any person to be eligible for appointment as such Commissioner shall be an actual and bona fide resident of North Dakota, and shall possess an honorable discharge either from the Navy, Army or Marine Corps of the United States Government.

"Section 2. REPEAL.) Chapter 74 of the Session Laws of 1929 and all acts and parts of acts in conflict herewith are hereby repealed.

"Section 3. APPROPRIATION.) There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$10,085.00, or so much thereof as may be necessary, to pay salary, clerkhire, travel and

general expenses of the office of Veterans' Service Commissioner as prescribed by Chapter 281, Session Laws of North Dakota for 1927, and acts amendatory thereof:

"Salary .....	\$ 4,800.00
"Clerkhire:	
"Secretary .....	2,160.00
"Extra Clerk .....	600.00
"Postage .....	600.00
"Office Supplies .....	300.00
"Furniture and Fixtures .....	150.00
"Printing .....	75.00
"Miscellaneous .....	300.00
"Travel Expense .....	800.00
"Rent .....	300.00
"TOTAL .....	\$10,085.00"

And when so amended be referred, without recommendation, to the Committee on Appropriations.

MILTON R. YOUNG,  
Chairman.

Senator Young moved that the report be adopted, which motion prevailed, the report was adopted, and House Bill No. 297 was referred to the Appropriations committee.

The Committee on Banks and Banking made the following report:

Mr. President: Your Committee on Banks and Banking to whom was referred House Bill No. 334,

Have had the same under consideration and recommend that the same be amended as follows:

In line 5, Section 1, of the engrossed bill strike out the period after the word "bond" and insert in lieu thereof a comma and the following: "and also the cost of printing such bond."

And when so amended recommend that the same do pass.

MAX H. STREHLOW,  
Chairman.

Senator Strehlow moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Banks and Banking made the following report:

Mr. President: Your Committee on Banks and Banking to whom was referred House Bill No. 352,

Have had the same under consideration and recommend that the same do pass.

MAX H. STREHLOW,  
Chairman.

Senator Strehlow moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 364,

Have had the same under consideration and recommend that the same be indefinitely postponed.

J. P. CAIN,  
Chairman.

Senator Cain moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Agriculture and Livestock made the following report:

Mr. President: Your Committee on Agriculture and Livestock to whom was referred House Bill No. 377,

Have had the same under consideration and recommend that the same do pass.

HERMAN THORSON,  
Chairman.

Senator Thorson moved that the report be adopted.

Senator Young moved, as a substitute motion, that House Bill No. 377 be indefinitely postponed.

Which motion prevailed.

Senator Young moved that the vote by which House Bill No. 377 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

A minority of the committee on Agriculture and Livestock made the following report:

Mr. President: A minority of your Committee on Agriculture and Livestock to whom was referred House Bill No. 226, have had the same under consideration and recommend that the same be indefinitely postponed.

MAX H. STREHLOW  
OTTO TOPP  
C. S. AASEN

A majority of the committee on Agriculture and Livestock made the following report:

Mr. President: A majority of your Committee on Agriculture and Livestock to whom was referred House Bill No. 226,

have had the same under consideration and recommend that the same do pass.

WILLIAM KAMRATH  
 AXEL OLSON  
 C. W. FINE  
 BEN GILBERTSON  
 OLE ETTESTAD  
 JOHN CRANDALL  
 A. N. LAVIK  
 A. C. NELSON  
 ANDREW SKARVOLD  
 HERMAN THORSON,  
 Chairman.

Senator Fine moved that the majority report be adopted.

Senator Strehlow moved, as a substitute motion, that the report of the minority be substituted for the report of the majority which motion was lost.

The question being on the motion of Senator Fine that the majority report be adopted, the motion prevailed and the report was adopted.

The Committee on Highways made the following report:

Mr. President: Your Committee on Highways to whom was referred:

**HOUSE CONCURRENT RESOLUTION "Y",**

Have had the same under consideration and recommend that the same be indefinitely postponed.

GUST WOG,  
 Chairman.

Senator Wog 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: Senate Bill No. 39, Senate Concurrent Resolution "U" and Senate Concurrent Resolution "T", and find the same correctly enrolled.

WILLIAM KROEBER,  
 Chairman.

Senator Kroeber moved that the report be adopted, which motion prevailed, and the report was adopted.

**REPORT OF SELECT COMMITTEE**

The Conference Committee on House Bills No. 30, 31, 29, 32, 81 and 104 made the following report:

Mr. President: Your Conference Committee to whom was referred Senate Bills 30, 31, 29, 32, 81 and 104 have had the same under consideration and cannot come to an agreement on same.

We recommend that this Committee be discharged and a new committee be appointed to consider the above bills.

For the Senate:  
 FRED J. FREDRICKSON,  
 A. W. FOWLER,  
 SYVER VINJE,

For the House:  
 BEGGS,  
 DULLEA,  
 HULTSTRAND.

Senator Brostuen moved that the report be adopted.

Which motion prevailed.

The President appointed on such conference committee Senators, Lowe, Kolpin and Stucke.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
 Bismarck, North Dakota,  
 March 2, 1937.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the report of the Conference Committee on House Bills No. 29, 30, 31, 32, 81 and 104, and the President has appointed as a new Conference Committee, Senators Lowe, Kolpin and Stucke.

Very respectfully,

THOMAS McDONALD,  
 Secretary.

#### REPORT OF SELECT COMMITTEES

The Conference Committee on House Bill No. 45 made the following report:

Mr. Speaker: Your Conference Committee to whom was referred House Bill No. 45, have had the same under consideration, recommend and have agreed on the following compromise:

Page 1, Section 1, line 3, strike out the figures "\$153,436.58" and insert in lieu thereof the figures "\$150,936.58".

That on page 3, line 45, strike out the figures "\$2,000.00" and insert in lieu thereof the figures "\$1,500.00".

That on page 3, line 48, item 7, strike out the entire line and "\$1,000.00".

In line 55, item 4, strike out the Senate Amendment of "\$4,000.00" and reinstate the House figures of "\$3,000.00".

On page 4, in line 62, item 1, strike out the Senate Amendment of "\$1,000.00" and insert in lieu thereof the figures "\$500.00".

On page 4, in line 63, item 2, the House accedes to the Senate Amendment of "\$3,500.00".

On page 4, line 65, strike out the figures "\$153,436.58" and insert in lieu thereof the figures "\$150,936.58".

For the Senate:  
WM. WATT,  
H. C. GUENTHER,  
G. F. DREW.

For the House:  
R. W. FRAZIER,  
ROBERT RAIT,  
H. J. MORRIS.

Senator Watt moved that the report be adopted, which motion prevailed and the report was adopted.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 2, 1937.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the report of the Conference Committee on House Bill No. 45.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senator Cain moved that the Senate do now recess for five minutes.

Which motion prevailed.

The Senate reconvened pursuant to recess taken.

#### CONSIDERATION OF MESSAGES FROM THE HOUSE

Senator Lemke moved that the Senate concur in the House amendments to Senate Bill No. 20.

Which motion prevailed.

Senator Watt moved that the rules be suspended and Senate Bill No. 20 be considered properly re-engrossed and placed upon Second Reading and Final Passage as amended by the House.

Which motion prevailed.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 20. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary and Miscellaneous General Expenses of the Department of Minimum Wage.

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, 27; nays, 0; absent and not voting 22.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Lavik	Owings
Bilden	Lemke	Streibel
Crandall	Lian	Thorson
Drew	Lowe	Topp
Greene	Magoffin	Trout
Guenther	Morrison	Watt
Kamrath	Mutchler	Williams
Kolpin	Nelson, Barnes	Wog
Kroeber	Olson	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Blaisdell	Gilbertson	Nelson, Grand Fks.
Brostuen	Gronvold	Skarvold
Cain	Guthrie	Strehlow
Coffey	Hulteng	Stucke
Ettestad	Johnson	Thatcher
Fine	Lynn	Vinje
Fowler	McGillic	Whelan
Fredrickson		

So the bill passed and the title was agreed to.

Senator Nelson of Barnes moved that the Senate concur in the House amendments to Senate Bill No. 101.

Which motion prevailed.

Senator Nelson of Barnes moved that the rules be suspended and that Senate Bill No. 101 be considered properly re-engrossed and placed upon second reading and final passage.

Which motion prevailed.

Senate Bill No. 101. A Bill for an Act to Amend and Re-enact Chapter 208 of the Session Laws of North Dakota for the Year 1935, Relating to Tax Limitations of Cities.

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, 27; nays, 0; absent and not voting 22.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Lavik	Owings
Bilden	Lemke	Streibel
Crandall	Lian	Thorson
Drew	Lowe	Topp

Messrs.	Messrs.	Messrs.
Greene	Magoffin	Trout
Guenther	Morrison	Watt
Kamrath	Mutchler	Williams
Kolpin	Nelson, Barnes	Wog
Kroeber	Olson	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Blaisdell	Gilbertson	Nelson, Grand Fks.
Brostuen	Gronvold	Skarvold
Cain	Guthrie	Strehlow
Coffey	Hulteng	Stucke
Ettestad	Johnson	Thatcher
Fine	Lynn	Vinje
Fowler	McGillic	Whelan
Fredrickson		

So the bill passed and the title was agreed to.

The Senate had under consideration Senate Bill No. 256 and the House amendments thereto.

Senator Young moved that further consideration of Senate Bill No. 256 be deferred.

Which motion prevailed.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota.  
March 2, 1937.

Mr. Speaker: I have the honor to inform you that the Senate has concurred in the House amendments to Senate Bills No. 20 and 101.

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### REPORT OF STANDING COMMITTEES

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 100, have had the same under consideration and recommend that the same do pass.

B. W. LEMKE,  
Chairman.

Senator Lemke moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 119, have had the same under consideration and recommend that the same be amended as follows:

In line 12 of Section 1, of the engrossed bill, after the figures (\$1,038,865.41), insert a period. Then, in lieu of the language used in the balance of Section 1, insert the following: Said sum to be payable as follows, to-wit: \$38,865.41 to be paid July 1, 1937, and the balance of said sum to be paid in five equal annual installments, said last installments to be paid July 1, 1938, July 1, 1939, July 1, 1940, July 1, 1941, and July 1, 1942.

And when so amended recommend the same do pass.

B. W. LEMKE,  
Chairman.

Senator Lemke moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 125, have had the same under consideration and recommend that the same be amended as follows:

In line 5, Section 33, of the engrossed bill, strike out the words and figures "Five Hundred Thousand Dollars (\$500,000) and insert in lieu thereof the words and figures "Two Hundred Thousand Dollars (\$200,000).

And when so amended recommend that the same do pass.

B. W. LEMKE,  
Chairman.

Senator Lemke moved that the report be adopted, which motion prevailed and the report was adopted.

## SECOND READING OF HOUSE BILLS

House Bill No. 319. A Bill for an Act to Prohibit Distillers, Brewers, and Wholesalers of Beer and of Intoxicating Liquors in the State of North Dakota from Leasing and from Furnishing of Any Furniture, Fixtures, Equipment or Other Property to Retailer; from Paying Retail Tax; from Being Interested in Retail Business; Providing Penalty 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, 27; nays, 17; absent and not voting 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Kamrath	Owings
Brostuen	Kolpin	Skarvold
Cain	Lemke	Streibel
Drew	Lowe	Stucke
Ettestad	Lynn	Thorson
Fine	Magoffin	Vinje
Fowler	McGillic	Watt
Greene	Nelson, Barnes	Williams

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Johnson	Strehlow
Coffey	Kroeber	Thatcher
Crandall	Lavik	Topp
Gilbertson	Lian	Wog
Gronvold	Morrison	Young
Guenther	Mutchler	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fredrickson	Nelson, Grand Fks.	Whelan
Hulteng	Trout	

So the bill passed, the title was agreed to, and the emergency clause was declared lost.

Senator Fowler requested that the Senate return to the Tenth Order of Business, which request was granted.

Senator Fowler moved that the message from the House relative to Senate Bill No. 70 be placed before the Senate.

Which motion prevailed.

The message from the House relative to Senate Bill No. 70 was read from the desk.

Senator McGillic presented the following figures to be considered in connection with Senate Bill No. 70, and moved that they be printed in the Journal.

Which motion prevailed.

#### EXHIBIT "A"

A married man with two dependents, receiving a salary and commissions amounting to \$19,069.87 (Net).

Year	Taxable Income	Total Tax	Net Tax
1932	16,469.87	688.19	688.19
1933	17,169.87	1,440.47	1,440.47
1935	19,069.87	1,880.48	1,861.19
S. B. (70) 1936	19,069.87	1,585.88	1,562.88

## EXHIBIT "B"

A clerk, single, receiving a net income of \$1,260.20

	1932	260.20	2.60	2.60
	1933	760.20	7.60	7.60
	1935	1,260.20	15.20	10.20
S. B. (70)	1936	1,260.20	12.60	7.60

## EXHIBIT "C"

A married man, no dependents, receiving a net income of \$2,284.12

	1932	284.00	2.84	2.84
	1933	784.12	7.84	7.84
	1935	2,284.12	38.52	23.52
S. B. (70)	1936	2,284.12	30.78	15.78

## EXHIBIT "D"

Professional man, single, taxed on a net income of \$3,122.08

	1932	2,122.08	22.44	22.44
	1933	2,622.08	32.44	32.44
	1935	3,122.08	66.10	61.10
S. B. (70)	1936	3,122.08	53.66	48.66

## EXHIBIT "E"

A married man, no dependents, taxed on a net income of \$5,000.00

	1932	3,000.00	30.00	30.00
	1933	4,500.00	75.00	75.00
	1935	5,000.00	170.00	155.00
S. B. (70)	1936	5,000.00	145.00	130.00

## EXHIBIT "F"

A married man, no dependents, taxed on a net income of \$7,000.00

	1932	5,000.00	90.00	90.00
	1933	5,500.00	115.00	115.00
	1935	7,000.00	320.00	305.00
S. B. (70)	1936	7,000.00	287.50	272.50

From Tax Commissioner

Senator Fowler moved that the Senate concur in the House amendments to Senate Bill No. 70.

Senator Owings moved as a substitute motion that the Senate do not concur in the House amendments to Senate Bill No. 70.

Roll call demanded and granted.

## ROLL CALL

The question being on the substitute motion of Senator

Owings, the roll was called and there were ayes, 22; nays, 26; absent and not voting, 1.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Lavik	Streibel
Ettestad	Lemke	Thorson
Fine	Lian	Topp
Greene	Morrison	Trout
Johnson	Olson	Williams
Kamrath	Owings	Wog
Kolpin	Skarvold	Young
Kroeber		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Gilbertson	Nelson, Barnes
Blaisdell	Gronvold	Nelson, Grand Fks.
Brostuen	Guenther	Strehlow
Cain	Guthrie	Stucke
Coffey	Lowe	Thatcher
Crandall	Lynn	Vinje
Drew	Magoffin	Watt
Fowler	McGillic	Whelan
Fredrickson	Mutchler	

Absent and not voting:

Messrs.  
Hulteng

So the motion was lost.

Senator Brostuen: I voted "no" on this motion for the reason that I am willing to accept the House amendments, but I will not bind myself to vote to adopt the amendments unless we have immediate action upon the bill following the vote.

The question then being on the motion of Senator Fowler that the Senate do concur in the House amendments to Senate Bill No. 70, the motion prevailed.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 2, 1937.

Mr. Speaker: I have the honor to inform you that the Senate has concurred in the House amendments to Senate Bill No. 70.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senator Guthrie moved that the Senate do not concur in the House amendments to Senate Bill No. 256.

Senator Ettestad moved, as a substitute motion, that the

Senate do concur in the House amendments to Senate Bill No. 256.

Which motion prevailed.

Senator Fowler moved that further consideration of Senate Bill No. 70 be deferred one legislative day.

Which motion prevailed.

Senator Ettestad moved that the rules be suspended and that Senate Bill No. 256 be considered properly re-engrossed and placed upon second reading and final passage.

Which motion prevailed.

### SECOND READING OF SENATE BILLS

Senate Bill No. 256. A Bill for an Act to Amend and Re-enact Sections 4 and 28 of Chapter 157 of the Session Laws of North Dakota for 1927, Relating to the Occupation of Hairdressers and Cosmetologists, the Conduct of Schools for Hairdressers and Cosmetologists, and to Provide Penalties for Violation Thereof.

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, 26; nays, 22; absent and not voting 1.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Guenther	Olson
Blaisdell	Johnson	Owings
Brostuen	Kamrath	Streibel
Cain	Kolpin	Trout
Crandall	Kroeber	Vinje
Ettestad	Lemke	Watt
Fine	Morrison	Whelan
Fredrickson	Mutchler	Williams
Greene	Nelson, Grand Fks.	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Lian	Strehlow
Coffey	Lowe	Stucke
Drew	Lynn	Thatcher
Fowler	Magoffin	Thorson
Gilbertson	McGillic	Topp
Gronvold	Nelson, Barnes	Wog
Guthrie	Skarvold	Young
Lavik		

Absent and not voting:

Messrs.  
Hulteng

So the bill passed and the title was agreed to.

Senator Whelan moved that the vote by which Senate Bill No. 256 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 2, 1937.

Mr. Speaker: I have the honor to inform that the Senate has concurred in the House amendments to Senate Bill No. 256.

Very respectfully,

THOMAS McDONALD,  
Secretary.

The President called Senator Wog, President pro tem, to the chair.

#### SECOND READING OF HOUSE BILLS

House Bill No. 359. A Bill for an Act to Amend and Re-enact Sections 3 of Chapter 257 of the 1933 Session Laws, Relating to Delinquency of Real Estate Taxes, Fixing Penalties; 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, 32; nays, 15; absent and not voting 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Kroeber	Owings
Brostuen	Lemke	Skarvold
Cain	Lian	Streibel
Coffey	Lowe	Stucke
Ettestad	Lynn	Thorson
Fine	Magoffin	Topp
Fowler	McGillic	Trout
Fredrickson	Morrison	Vinje
Greene	Mutchler	Watt
Kamrath	Nelson, Barnes	Wog
Kolpin	Olson	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Gronvold	Nelson, Grand Fks
Elaisdell	Guenther	Strehlow
Crandall	Guthrie	Whelan
Drew	Johnson	Williams
Gilbertson	Lavik	Young



Absent and not voting:

Messrs.	Messrs.
Hulteng	Thatcher

So the bill passed and the title was agreed to.

Senator Guthrie moved that further consideration of House Bill No. 247 be deferred one legislative day.

Which motion prevailed.

House Bill No. 55. A Bill for an Act to Amend and Re-enact Section 41, Chapter 162, Session Laws of North Dakota, 1927, as Amended and Re-enacted by Chapter 141, Session Laws of North Dakota, 1929, Authorizing the State Highway Commissioner or Such of His Employees as he May Designate and Local Authorities to Prohibit or Restrict the Use of Highways Under the Jurisdiction of Such Officers.

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, 25; nays, 20; absent and not voting, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Lemke	Nelson, Barnes
Bilden	Lian	Olson
Brostuen	Lowe	Owings
Ettestad	Lynn	Skarvold
Fredrickson	Magoffin	Streibel
Greene	McGillic	Stucke
Guthrie	Morrison	Thatcher
Kamrath	Mutchler	Thorson
Kolpin		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Guenther	Vinje
Cain	Kroeber	Watt
Coffey	Lavik	Whelan
Drew	Nelson, Grand Fks.	Williams
Fowler	Strehlow	Wog
Gilbertson	Topp	Young
Gronvold	Trout	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Crandall	Hulteng	Johnson
Fine		

So the bill passed, the title was agreed to, and the emergency clause declared lost.

House Bill No. 121. A Bill for the Use of Tax Reports of

Public Utilities by the Board of Railroad Commissioners in Determining Valuations for Rate-Making Purposes.

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:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Owings
Bilden	Kolpin	Skarvold
Blaisdell	Kroeber	Strehlow
Cain	Lavik	Streibel
Coffey	Lemke	Stucke
Crandall	Lian	Thatcher
Drew	Lowe	Thorson
Ettestad	Lynn	Topp
Fowler	Magoffin	Trout
Fredrickson	McGillie	Vinje
Gilbertson	Morrison	Watt
Greene	Mutchler	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young
Johnson		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Fine	Hulteng

So the bill passed, the title was agreed to, and the emergency clause was declared carried.

MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
March 2, 1937.

Mr. President: I have the honor to transmit herewith the following bills:

House Bill No. 170. A Bill for an Act to Provide That the School Census in All Types of School Districts Shall Be Conducted in Odd Numbered Years Only.

Also,

House Bill No. 180. A Bill for an Act to Amend and Re-enact Section 10 of Chapter 97 of the Session Laws of 1933, Providing Duty of Relative to Aid and Right of Recovery by County or County Welfare Board.

Also,

House Bill No. 47. A Bill for an Act Making an Appro-

priation for the Purpose of Paying Travel Expenses of the Office of the State Examiner, as Provided by Chapter 71, Session Laws of 1933.

Also,

House Bill No. 37. A Bill for an Act to Amend and Re-enact Section 1160 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to the Organization of Common School Districts.

Also,

House Bill No. 183. A Bill for an Act Authorizing County, Municipal, Township and School Board Officials to Waive the Furnishing of Surety or Personal Bonds, Where Such Funds are Insured in the Federal Deposit Insurance Corporation, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Also,

House Bill No. 80. A Bill for an Act to Amend and Re-enact Sections 201 and 214 and 215 of the Compiled Laws of North Dakota for the Year 1913 as Amended and Re-enacted by Sections 1, 3 and 4 of Chapter 147 of the 1931 Session Laws of the State of North Dakota, and Repealing Section 213 of the Compiled Laws of North Dakota for the Year 1913 as Amended by Section 2 of Chapter 147 of the 1931 Session Laws of the State of North Dakota, and Repealing Section 217 of the 1913 Compiled Laws of the State of North Dakota, Relating to the Creation of a Fire Marshal Department.

Also,

House Bill No. 179. A Bill for an Act Making it Unlawful to Obtain or Attempt to Obtain Relief by False and Fraudulent Representation.

Also,

House Bill No. 104. A Bill for an Act to Amend and Re-enact Section 1265 of the Compiled Laws of 1913, Relating to Candidates and the Official Ballot at Elections in Special School Districts.

Also,

House Bill No. 229. A Bill for an Act to Repeal Chapter 267 of the 1935 Session Laws, the Same Being an Amendment and Re-enactment of Chapter 94 of the Session Laws of the State of North Dakota for the Year 1929, Relating to the Custodian of the Capitol Building and Grounds, Describing His Duties, Powers and Compensation and Appointing of Such Custodian.

Also,

House Bill No. 118. A Bill for an Act to Provide for Additional and Supplemental Assessments of Omitted Property for Benefits for Improvements Established, Constructed and

Maintained Pursuant to Chapter 116, Laws of 1919, and to Amend Chapter 116, Laws of 1919.

Also,

House Bill No. 81. A Bill for an Act Extending the Definition of "Villages" to Include "Incorporated Towns" Where Such Towns Were Incorporated Under Any Law of the Territory of Dakota or of the State of North Dakota, and Repealing All Acts or Parts of Acts in Conflict Therewith.

Also,

House Bill No. 178. A Bill for an Act Making an Appropriation for the Purpose of Paying Rental and Eliminating Toll Charges on the Great Northern Railway Company's Bridge Across the Yellowstone River in McKenzie County, North Dakota, and Authorizing the State Highway Commissioner to Enter Into a Contract With the Great Northern Railway Company to Provide Free Crossing to Vehicle and Traffic Over Said Bridge.

Also,

House Bill No. 105. A Bill for an Act to Amend and Re-enact Section 1151 of the Compiled Laws of 1913, as Amended and Re-enacted by Chapter 237, Session Laws of 1927, Relating to Election of Officers of Common School Districts, and Prescribing Qualifications Therefor.

Which the Speaker has signed and your signature is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck North Dakota,  
March 2, 1937.

Mr. President: I have the honor to return herewith the following bills:

Senate Bill No. 64. A Bill for an Act Making an Appropriation to Provide for the Payment of a Deficit in the Appropriation for Printing Expense of the Twenty-fourth Session of the Legislative Assembly of the State of North Dakota, and Declaring an Emergency.

Also,

Senate Bill No. 76. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the State Highway Department.

Also,

Senate Bill No. 96. A Bill for an Act Appropriating Six Thousand Dollars (\$6,000.00) to the State Historical Society

for the Development of the International Peace Garden on the American Side in Rollette County, North Dakota.

Also,

Senate Bill No. 78. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the Game and Fish Department.

Also,

Senate Bill No. 160. A Bill for an Act Prohibiting Chattel Mortgages on Personal Property When Such Mortgage Fails to Specifically Describe the Property Mortgaged or When the Same is Designated by Group; Repealing All Acts or Parts of Acts in Conflict Herewith; and Declaring an Emergency.

Also,

Senate Bill No. 119. A Bill for an Act Regulating All Benevolent Corporations, Associations or Societies Operating on Voluntary or Involuntary Assessment or Contribution Plan, Which Provide for Protective and/or Indemnity Benefits, Excepting Benevolent Corporations as Defined by Chapter 23, Compiled Laws of 1931, and for the Repeal of Chapter 160 of the Session Laws of 1931, and Acts or Parts of Acts in Conflict Herewith.

Also,

Senate Bill No. 126. A Bill for an Act to Amend and Re-enact Section 852 of the Supplement to the Compiled Laws of 1913, Relating to the Holding of Primary Elections and Repealing All Acts or Parts of Acts in Conflict Herewith.

Also,

Senate Bill No. 37. A Bill for an Act Making an Appropriation for the Purpose of Refunding Money Erroneously Paid Into or Credited to the General Fund.

Also,

Senate Bill No. 41. A Bill for an Act Making an Appropriation for the North Dakota Soldiers' Home at Lisbon, North Dakota; Providing for Reports and Deductions, and Declaring an Emergency.

Also

Senate Bill No. 131. A Bill for an Act Providing for the Use of Official Reports as Evidence and Making Uniform the Law With Reference Thereto.

Also,

Senate Bill No. 35. A Bill for an Act Making an Appropriation for the Purpose of Paying Premiums on Bonds of

State Officials as Provided by Section 663a1 of the Supplement to the 1913 Compiled Laws of North Dakota.

Which the Speaker has signed.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

### SECOND READING OF HOUSE BILLS

House Bill No. 126. A Bill for an Act to Provide for the Transfer of All Moneys Derived From Special Taxes on Motor Vehicle Transportation, Which Are Now Remaining Inactive in Special Funds to the Department of State Highways. Repealing All Acts or Parts of Acts in Conflict Herewith and Declaring an Emergency.

Was read the second time.

Senator Coffey moved that House Bill No. 126 be amended by correcting the total in line 30 of the printed bill to read as follows: "\$51,191.91".

Which motion prevailed.

Senator Coffey moved that the rules be suspended and House Bill No. 126 be placed upon Second Reading and Final Passage, as amended.

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, 43; nays, 0; absent and not voting 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Owings
Bilden	Johnson	Skarvold
Blaisdell	Kamrath	Strehlow
Brostuen	Kolpin	Streibel
Cain	Lavik	Stucke
Coffey	Lemke	Thatcher
Crandall	Lian	Thorson
Drew	Lowe	Topp
Ettestad	Lynn	Trout
Fine	Magoffin	Watt
Fowler	Morrison	Whelan
Fredrickson	Mutchler	Williams
Greene	Nelson, Barnes	Wog
Gronvold	Olson	Young
Guenther		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Gilbertson	Kroeber	Nelson, Grand Fks.
Hulteng	McGillic	Vinje

So the bill passed, the title was agreed to, and the emergency clause was declared carried.

House Bill No. 140. A Bill for an Act Relating to Public Utilities, Reports of Public Utilities to the Board of Railroad Commissioners; Valuations of Public Utilities Made by the Board of Railroad Commissioners; Duties of State Board of Equalization and/or State Tax Commissioner.

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, 0; absent and not voting 9.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Olson
Bilden	Kamrath	Owings
Brostuen	Kolpin	Skarvold
Cain	Lavik	Strehlow
Coffey	Lemke	Streibel
Crandall	Lian	Stucke
Drew	Lowe	Thatcher
Ettestad	Lynn	Thorson
Fine	Magoffin	Topp
Fredrickson	McGillic	Trout
Greene	Morrison	Whelan
Gronvold	Mutchler	Wog
Guenther	Nelson, Barnes	Young
Guthrie		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Blaisdell	Hulteng	Vinje
Fowler	Kroeber	Watt
Gilbertson	Nelson, Grand Fks.	Williams

So the bill passed, the title was agreed to, and the emergency clause was declared carried.

Senator Olson moved that the vote by which House Bill No. 140 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 207. A Bill for an Act to Amend and Re-enact Section 7297 of the Supplement to the 1913 Compiled Laws of North Dakota, as amended by Chapter 165 of the Session Laws of North Dakota for 1927 Relating to Holidays.

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, 27; nays, 15; absent and not voting 7.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Gronvold	McGillic
Bilden	Guenther	Morrison
Blaisdell	Guthrie	Mutchler
Cain	Johnson	Nelson, Barnes
Coffey	Kolpin	Nelson, Grand Fks.
Crandall	Lavik	Olson
Drew	Lian	Skarvold
Fredrickson	Lowe	Whelan
Gilbertson	Magoffin	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Ettestad	Lynn	Thatcher
Fine	Owings	Thorson
Greene	Strehlow	Topp
Kamrath	Streibel	Williams
Lemke	Stucke	Wog

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Kroeber	Vinje
Fowler	Trout	Watt
Hulteng		

So the bill passed and the title was agreed to.

House Bill No. 209. A Bill for an Act to Protect Trade Mark Owners, Distributors and the Public Against Injurious and Uneconomic Practices in the Distribution of Articles of Standard Quality Under a Distinguished Trade Mark, Brand or Name.

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, 11; absent and not voting 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Nelson, Barnes
Bilden	Guthrie	Nelson, Grand Fks.
Blaisdell	Kolpin	Strehlow
Brostuen	Lavik	Stucke
Coffey	Lemke	Thatcher
Crandall	Lian	Topp
Drew	Lowe	Trout
Ettestad	Lynn	Watt
Fowler	Magoffin	Whelan



Messrs.	Messrs.	Messrs.
Fredrickson	McGillic	Williams
Gilbertson	Morrison	Young
Gronvold	Mutchler	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Cain	Olson	Thorson
Greene	Owings	Vinje
Johnson	Skarvold	Wog
Kamrath	Streibel	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fine	Hulteng	Kroeber

So the bill passed and the title was agreed to.

Senator Magoffin moved that the vote by which House Bill No. 209 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Owings: I have had a good many letters from the merchants up here and I know practically all of them. They all believe in competition and I am in favor of letting them have it. I vote "no".

Senator Lemke requested that the Senate return to the Fifth Order of Business, which request was granted.

#### REPORTS OF STANDING COMMITTEES

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 40, have had the same under consideration and recommend that the same be amended as follows:

In line 3, of the printed bill, strike out the House amendment "\$246,306.00" and insert in lieu thereof "\$268,071.00".

In line 12, of the printed bill, item "Salary Adjustments," strike out the figures "\$3,700.00" and insert in lieu thereof the figures "\$3,575.00".

After line 12, of the printed bill, add line 12½, item No. 5 and the following language and figures: "No. 5. Salary Adjustments, 1937-1939, \$1,690.00".

In line 26, of the printed bill, item "Clothing," strike out the House amendment, "\$15,000.00" and insert in lieu thereof "\$16,500.00".

In line 27, of the printed bill, item "Hospital and Medical

Service," strike out the House amendment "\$8,000.00" and insert in lieu thereof, "\$9,000.00".

In line 30, of the printed bill, item "Maintenance Autos, Tractors, Trucks," strike out the House amendment, "\$3,500.00" and insert in lieu thereof "\$4,500.00".

In line 32, of the printed bill, item "Maintenance Farm and Shops," strike out the House amendment, "\$14,000.00" and insert in lieu thereof "\$16,000.00".

In line 34, of the printed bill, item "Total Maintenance," strike out the House amendment, "\$269,606.00" and insert in lieu thereof "\$280,371.00".

In line 36a, of the printed bill, item "Net Maintenance," strike out the House amendment, "\$236,606.00" and insert in lieu thereof "\$247,371.00".

Line 38, under "Improvements and Repairs" item "General," strike out House amendment, "\$4,000.00" and insert in lieu thereof "\$5,000.00".

In line 47, under "Miscellaneous Items," insert item "No. 2. State Bureau of Criminal Identification.....\$10,000.00"

Correct the total after "Total" by striking out the figures "246,306.00" and insert in lieu thereof the figures "\$268,071.00".

And when so amended recommend that same do pass.

B. W. LEMKE,  
Chairman.

Senator Lemke moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 46, have had the same under consideration and recommend that the same be amended as follows:

On page 2 of the printed bill, in line 17, strike out the figures "500.00" and insert in lieu thereof the figures "1,000.00".

In line 19, correct the "TOTAL" by striking out the figures "\$27,370.00" and insert in lieu thereof the figures "\$27,870.00".

On page 3, in line 36, strike out House amendment "250.00" and insert in lieu thereof the figures "750.00".

Restore line 37 "Travel Expenses .....200.00".

Correct the "TOTAL" in line 39 by striking out the figures "68,000.00" and insert in lieu thereof the figures "68,700.00".

On page 8, in line 155 after the words "Investigation of Unauthorized Insurance Companies", add a "comma" and the following: "& Benevolent Societies". In the same line strike out House amendment "4,000.00" and insert in lieu thereof the figures "5,000.00".

Correct the "TOTAL" in line 157, by striking out the figures "\$28,823.76" and insert in lieu thereof the figures "\$29,823.76".

On page 9, in line 166, strike out the House amendment "400.00" and insert in lieu thereof the figures "500.00".

In line 167, strike out the House amendment "3,000.00" and insert in lieu thereof the figures "4,000.00".

After line 169, add a new line to read as follows: "Fire Hazards Inspectors .....5,400.00", and renumber the following lines.

Correct the "TOTAL" in line 171, by striking out the figures "\$10,973.00" and insert in lieu thereof the figures "\$19,473.00".

In line 185, strike out the House amendment by striking out the figures "2,000.00" and insert in lieu thereof the figures "2,500.00".

On page 10, in line 189, correct the "TOTAL" by striking out the figures "\$51,340.00" and insert in lieu thereof the figures "\$51,840.00".

On page 11, in line 211, strike out the House amendment by striking out the figures "1,200.00" and insert in lieu thereof the figures "1,500.00".

In line 213, strike out the House amendment by striking out the figures "15,000.00" and insert in lieu thereof the figures "14,700.00".

In line 231, strike out the House amendment "1,000.00" and insert in lieu thereof the figures "1,500.00".

After line 231, add the new following line: "Preparation and Printing of Advertising Literature .....\$3,000.00" and renumber the following lines.

Correct the "TOTAL" in line now numbered 233, by striking out the figures "\$20,844.32" and insert in lieu thereof the figures "\$24,344.32".

On page 12, in line 243, strike out the figures "\$3,584.00" and insert in lieu thereof the figures "4,000.00".

Correct the "total" in line 257 by striking out the figures "\$44,064.00" and insert in lieu thereof the figures "\$44,480.00".

On page 13, in line 264, strike out the figures "5,600.00" and insert in lieu thereof the figures "7,200.00".

In line 265, strike out the figures "3,360.00" and insert in lieu thereof the figures "3,584.00".

In line 267, strike out the figures "5,000.00" and insert in lieu thereof the figures "5,600.00".

In line 268, strike out the figures "3,360.00" and insert in lieu thereof the figures "3,584.00".

In line 269, strike out the figures "5,000.00" and insert in lieu thereof the figures "5,600.00".

In line 279, strike out the figures "12,000.00" and insert in lieu thereof the figures "10,600.00".

On page 14, in line 286, correct the "TOTAL" by striking out the figures "\$91,004.00" and insert in lieu thereof the figures "92,852.00".

In line 291, strike out the figures "\$3,584.00" and insert in lieu thereof the figures "4,000.00".

In line 292, strike out the figures "2,816.00" and insert in lieu thereof the figures "3,200.00".

In line 293, strike out the figures "4,560.00" and insert in lieu thereof the figures "5,280.00".

In line 299, after "Travel Expense" add the words "& Car Exchange".

In line 301 correct the "TOTAL" by striking out the figures "17,285.00" and insert in lieu thereof the figures "\$18,805.00".

Strike out all of line 396, on page 18.

On page 19, in line 405, correct the "TOTAL" by striking out the figures "\$6,299.00" and insert in lieu thereof the figures "\$4,959.00".

On page 20, in line 429, strike out the House amendment "4,040.00" and insert in lieu thereof the figures "4,400.00".

Restore line 433, "Furniture and Fixtures 200.00".

In lines 438 and 439, strike out the words "Promotion Fund" and correct the two lines to read as follows: "Water Conservation, Irrigation and Hydrographic Survey". In the same line strike out the figures "5,000.00" and insert in lieu thereof the figures "3,000.00".

In line 441, correct the "TOTAL" by striking out the figures "\$15,360.00" and insert in lieu thereof the figures "\$13,920.00".

On page 21, in line 455, strike out the figures "\$4,400.00" and insert in lieu thereof the figures "\$4,600.00".

In line 465, strike out the figures "500.00" and insert in lieu thereof the figures "300.00".

On page 22, in line 473, strike out the figures "2,800.00" and insert in lieu thereof the figures "2,400.00". In line 481, correct the "TOTAL" by striking out "\$4,025.00" and insert in lieu thereof the figures "\$3,625.00".

And when so amended recommend the same do pass.

B. W. LEMKE,  
Chairman.

Senator Lemke moved that the report be adopted, which motion prevailed and the report was adopted.

The President resumed the chair.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
March 2, 1937.

Mr. President: I have the honor to inform you that the Speaker has appointed as a new Conference Committee on Senate Bills No. 29, 30, 31, 32, 81 and 104, Representatives Symington, Thompson and Beggs.

Also, that the House has concurred in the Senate amendment to House Bill No. 98.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### REPORTS OF STANDING COMMITTEES

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 198, have had the same under consideration and recommend that the same be amended as follows:

Strike out all of "Sections 1, 2, and 3," and insert the following in lieu thereof:

"Section 1. There is hereby appropriated from the State Public Welfare Fund, created and established by House Bill No. 199, pending in its legislative assembly, the sum of \$2,600,000.00, or so much thereof as may be necessary to be expended by the Public Welfare Board in providing public assistance for the needy aged, the needy blind, and to dependent children, and for child welfare services and services to crippled children, or so much thereof as may be necessary in carrying out and effectuating such programs in co-ordination with and supplementary to funds made available for like purposes in North Dakota by the Federal Government.

"Section 2. Disbursement under this act shall be made for the purpose of providing old age assistance, aid to dependent children, and aid to the blind, also in providing child welfare services and services to crippled children, in co-operation with the Federal Government, under the provisions of the Social Security Act, and in payment of the cost of administration of each of these programs.

"Section 3. Whenever, during the biennium ending June 30, 1937, or the biennium ending June 30, 1939, the balance remaining in the State Public Welfare Fund shall prove insufficient to meet the requirements for old age assistance, aid to the blind, aid to dependent children, services to crippled children, and child welfare services, the State Board of Equalization of North Dakota is hereby authorized and directed to make a levy of a sum sufficient to make up such deficiency and to make a transfer of said sum from the general fund of the state to the State Welfare Fund, but the sum so levied and transferred shall in no case exceed the total sum appropriated and chargeable to the State Public Welfare Fund by Section 1 of this Act."

And when so amended, recommend the same do pass.

B. W. LEMKE,  
Chairman.

Senator Lemke moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 199, have had the same under consideration and recommend that the same be amended as follows:

Strike out all of Section 4, and insert the following in lieu thereof:

"Section 4. Whenever during the biennium ending June 30, 1937, or the biennium ending June 30, 1939, the balance remaining in the State Public Welfare Fund shall prove insufficient to meet the requirements for relief, the State Board of Equalization of North Dakota is hereby authorized and directed to make a levy sufficient to make up such deficiency, and to make a transfer of the amount so levied from the General Fund of the State, to the State Public Welfare Fund; but the levy and transfer so authorized and directed to be made shall in no case exceed the total sum appropriated by Section 5 of this Act, to the State Public Welfare Fund".

And when so amended recommend the same do pass.

B. W. LEMKE,  
Chairman.

Senator Lemke moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Game and Fish made the following report:

Mr. President: Your Committee on Game and Fish to whom was referred House Bill No. 270, have had the same under consideration and recommend that the same be amended as follows:

The title shall be amended and re-enacted to read as follows:

"For an Act to amend and re-enact Chapters 115, 121, 122, 114 and 116 of the Session Laws of 1933; Section 10322a51 of the Supplement to the Compiled Laws of 1913; Sections 12, 19, 23, 34, 48, 49 of Chapter 148 of the Session Laws of 1931; Section 40 of Chapter 148 of the Session Laws of 1931 as amended by Chapter 144 of the Session Laws of 1935; Section 20 of Chapter 148 of the Session Laws of 1931 as amended by Chapter 144 of the Session Laws of 1935; Section 1 of Chapter 150 of the Session Laws of 1931 as amended by Chapter 112 of the Session Laws of 1933; Chapter 145 of Session Laws of 1935; relating to the regulations of Game and Fish; and repealing all Acts and parts of Acts in conflict herewith".

On page 5 of the engrossed bill, in line 5 after the period following the word "unlawful", insert the following language:

"Provided, further, that no person shall at any time carry in territory commonly frequented by deer and/or antelope, or where such deer and/or antelope are frequently or usually found, any rifle using anything larger than a common .22 long rifle shot except during open season on deer or use any shotgun ammunition larger than No. 4 shot, or to use any shells so cut as to make "slugs" unless specifically permitted to do so under written permit from the Game and Fish Commissioner, such permits good for ten days following date of issue only, and only for the purpose of destroying large predators which might be frequenting such territory".

On page 7 of the engrossed bill, in line 26 following the word "taxidermy", add the words "for profit".

On page 10 of the engrossed bill, in line 3 of Sub-Section (4), add an "s" to the word "animal", and after the comma following the word "animal", insert the words "including rabbits".

On page 11 of the engrossed bill, Section 34, in line 5 after the word "animals", insert "for profit,".

On page 13 of the engrossed bill, in Section 56, lines 7 and 8, strike out the following words and figures "at a cost of five dollars (\$5.00)".

In line 9 following the word "be", insert the following language "approved as being sufficient by the State Game and Fish Commissioner, and shall be".

On page 13, line 12 of Section 56, strike out the word "license" and insert in lieu thereof the word "permit".

On page 14, of the Engrossed Bill, line 1 of Section 14, strike out the word and figures "December 31" and insert in lieu thereof the words "the last day of each month".

On page 14, of the Engrossed Bill, line 2 following the period after the word "issue", insert the following new language: "Provided further that a full and complete report of all animals taken under said permit shall be submitted to the State Game and Fish Department on the 1st day of each month, and shall be accompanied by a remittance of fifty cents (50c) for each and every animal taken under said permit, said remittance to be credited to the Game and Fish Fund in the usual manner. It is further specifically provided that the State Game and Fish Department shall in no way be liable for any damage caused by any aircraft hunter, either to himself, his plane or to the property of another while hunting under the permit hereinafter provided for."

On page 14 of the Engrossed Bill following "Section 1. BEAVER.)" strike out the remainder of the page and strike out page 15 down to "Sub-section (4)" and insert in lieu thereof the following:

"No person shall kill, take, attempt to take, transport or sell any beaver or any part thereof at any time or molest or disturb any part thereof at any time or molest or disturb any beaver dam, except that a representative of the State Game and Fish Department may take beaver as hereinafter provided.

"(1) In the event that beaver shall at any time in any locality become so numerous that in the Judgment of the Game and Fish Commissioner of the State of North Dakota, a limited number thereof may be taken without unduly depleting the species, or when they are doing substantial damage to public or private property such as to prejudice property rights therein, then and in such case the Game and Fish Commissioner or his representative shall take said beaver, in any manner he may deem advisable, and in any number he deems advisable, either dead or alive. Live beaver shall be moved to other parts of state where it is desirous to propagate them, or if for any reason the Commissioner deems it advisable to destroy a part of the beaver on any premises, he may do so. The pelts from beaver so taken are to be properly prepared for market and sold by the Game and Fish Department for the highest price obtainable, one half of the proceeds obtained from the pelt of any beaver so taken shall be retained by the State Game and Fish Department, and one half of said proceeds shall be turned over to the owner of the premises where said beaver were taken. Provided further that each pelt shall be tagged with a metal locking seal bearing a serial number and the inscription 'N. D. Beaver'. These seals shall be furnished by the Game and Fish Department at a cost of 25c each, which amount shall be deducted from the price obtained for each pelt, before the division of the proceeds is made."



In the Engrossed Bill, page 17, re-letter "Sub-Sec. 2." to read "Section .....".

In the Engrossed Bill, page 17, following Sub-Sec. 2. insert a new Section as follows:

"Section 17. AMENDMENT.) That Section 11 of Chapter 148 of the Session Laws of 1931, as amended by Chapter 120 of the Session Laws of 1933 and by Chapter 145 of the Session Laws of 1935 be amended and re-enacted to read as follows:

"Section 11. DISPOSITION OF OTHER MONEYS.) All moneys collected by the State Game and Fish Commissioner, his deputies or agents, upon licenses issued, by the sale of game seized and sold, and from all other sources except fines, shall be paid to the Treasurer of the State of North Dakota to be credited to the Game and Fish Fund to be used in enforcing the provisions of this Act; provided that any surplus accumulating to the credit of the Game and Fish Fund may be used for the propagation of game and fish. The Game and Fish Commissioner is hereby authorized and empowered to expend not to exceed ten thousand dollars (\$10,000.00) annually for the construction of dams and water conservation projects within the state, which will provide fishing facilities and breeding and resting places for waterfowl. All such expenditures shall be limited to the payment of labor and materials used in such construction projects. The selection of dam sites and the supervision of their construction shall be under the control and direction of the Game and Fish Commissioner."

In the Engrossed Bill, page 17, re-number Section "17" to read "Section "18".

And when so amended recommend that the same do pass.

WM. J. LOWE,  
Chairman.

Senator Lowe moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 353 have had the same under consideration and recommend that the same be amended as follows:

After the words "A BILL," strike out everything and insert the following:

"For an Act Making an Emergency Appropriation to Provide for Aid for Livestock Feeds, in the Form of Loans, to Farmers in Drouth-stricken Counties of This State; Providing for the Distribution of Such Appropriation Among the Counties by the Public Welfare Board of North Dakota, with the Counsel and Assistance of the Commissioner

of Agriculture and Labor; Prescribing the Duties of County Officers in Relation to Such Livestock Feed Aid, and Declaring an Emergency.

"Be It Enacted by the Legislative Assembly of the State of North Dakota:

"Section 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of Two Hundred Twenty-five Thousand Dollars, or so much thereof as may be necessary for assistance, in the form of loans, to farmers in the drouth-stricken areas of this State during the months of March, April and May, and in carrying out the provisions and purposes of this act.

"Section 2. Immediately upon the passage and approval of this act the Public Welfare Board of North Dakota, with the assistance and counsel of the Commissioner of Agriculture and Labor, is authorized to make distribution of the amount herein appropriated or so much thereof as may be necessary among the counties of North Dakota, after taking into consideration the amount necessary to supply livestock feed to persons who are unable to procure the same through other channels. The ability of each county to finance the cost of such assistance from its own funds and such other facts as may have a bearing upon the need of the individuals and the ability of the counties to grant aid shall be taken into account in making distribution of such moneys, all to the end that justice and equity may be done to the different individuals without regard to their places of residence.

"Section 3. It shall be the duty of the Board of County Commissioners of any county in this state whose residents are in need of livestock feed which they are unable to procure through other channels, to make application to the Public Welfare Board of North Dakota for assistance under this Act.

"In such application there shall be stated the amount of moneys required for livestock feed assistance in such county up to June 1, 1937. Such application shall further recite the amount of moneys that the county can and will supply out of its own funds, or from other sources to supply the funds required to meet the livestock feed needs.

"Section 4. In such application the county shall agree that it will assume administrative responsibility in making such loans and in the collecting of the same; that it will make such reports regarding such loans and collections as may be required by the regulations adopted by the Public Welfare Board of North Dakota or as may be provided in the agreement between the county and such Board or other agency from which funds are received; that re-payments made prior to May 15, 1937, on any loan made under the provisions of this act shall be available again for loans by the county in the same manner as moneys originally received by the county for livestock feed loans or purchases; but that the county shall remit to the Public Welfare Board out of all collections made or re-payments received on such loans subsequent to

May 15, 1937, such portion of the loan or loans as represent that portion of the loan or loans which came from moneys appropriated under this act. Also that the county will return to the Public Welfare Board of North Dakota any moneys remaining unexpended on June 1, 1937, out of any moneys that the county may have received under the provisions of this act.

"Section 5. The funds appropriated under this Act may be expended in co-ordination with funds available for livestock feed assistance purposes under the control of any agency of the Federal Government and the Public Welfare Board of North Dakota and the Boards of County Commissioners of the several counties may enter into agreements for the co-ordination of the expenditure of the funds appropriated under this Act in connection with such other funds and may agree that the funds appropriated hereunder shall be expended jointly with such other funds in co-operation with committees or representatives of such Federal agencies.

"Section 6. If and when it seems desirable so to do moneys allocated to any county under the provisions of this Act may be utilized by the county to purchase livestock feed direct and distribute the same in the nature of sale. Where livestock feed is purchased and sold such feed may be sold to anyone in need thereof; but when sale is made to a person who is not in need of assistance it shall be at a price so as not to impair or decrease the amount of the fund. The distribution of feed must in every case be in the nature of a sale. All notes taken for livestock feed assistance furnished under this Act shall be made payable to the county in which the loan is made.

"Section 7. If in its judgment it seems desirable so to do the Public Welfare Board of North Dakota may, with the advice and counsel of the Commissioner of Agriculture and Labor, utilize any of the funds appropriated under this Act for the purchase of livestock feed and may allocate livestock feed so purchased to the counties instead of cash. In case livestock feed is so purchased and distributed it shall be handled in the several counties in the same manner as though the livestock feed had been purchased by the county under the provisions of the preceding Section.

"Section 8. The Public Welfare Board of North Dakota, with the advice and counsel of the Commissioner of Agriculture and Labor, is authorized to make such rules and regulations as may be necessary or desirable to carry out the purposes of this Act and it may require from the several counties such information, in addition to that stated in Section 3 of this Act, as may be necessary or desirable to enable the Board to pass upon the applications for assistance under this Act.

"Section 9. The moneys appropriated under this Act shall be employed solely for the purpose of supplying livestock feed to residents of the state who are unable to procure the same through other channels. It shall be the duty

of the Public Welfare Board of North Dakota and of the Boards of County Commissioners of the several counties and all persons charged with any responsibility in carrying out the provisions of this Act to see to it that the moneys appropriated or made available for the purchase of livestock feed under the provisions of this Act, including moneys loaned to individual borrowers, shall be expended in the purchase of livestock feed that has been produced in North Dakota insofar as such supplies are available and can be obtained at reasonable prices.

"Section 10. It shall be the duty of all county officers to assist in carrying out the purposes of this Act; and they shall perform such duties as may be found necessary in that behalf and as may be prescribed by the rules and regulations adopted by the Public Welfare Board of North Dakota, with the advice and counsel of the Commissioner of Agriculture and Labor, or as may be provided in agreements or arrangements made between the county commissioners and the Public Welfare Board of North Dakota and/or any Federal agency supplying funds to be loaned to individuals, or expended by the county, for livestock feed assistance purposes.

"Section 11. The Public Welfare Board of North Dakota shall pay over to the state treasurer any moneys that may be returned to it by any county under the provisions of this Act, whether such moneys represent funds unexpended on June 1, 1937, or collections received from loans made under the provisions of this Act; and the state treasurer shall deposit the moneys so received in, and credit the same to, the general fund of the state.

"Section 12. EMERGENCY.) Whereas, many persons in North Dakota are in need of livestock feed, and have no available means of obtaining the same, therefor an emergency is declared to exist and this Act shall be in full force and effect from and after its passage and approval".

And when so amended recommend the same do pass.

B. W. LEMKE,  
Chairman.

Senator Whelan moved that the report be printed in the Journal and not read from the desk and action on the committee report deferred one legislative day.

Which motion prevailed.

#### SECOND READING OF HOUSE BILLS

House Bill No. 212. A Bill for an Act Requiring Certain Matters to Be Considered by the Board of Railroad Commissioners in Determining Rates to Be Allowed to Public Utilities Under Their Jurisdiction; Repeal.

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 7.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Owings
Bilden	Kamrath	Skarvold
Blaisdell	Kolpin	Strehlow
Brostuen	Lavik	Streibel
Cain	Lemke	Thatcher
Crandall	Lian	Thorson
Drew	Lynn	Topp
Ettestad	Magoffin	Trout
Fowler	McGillie	Vinje
Fredrickson	Morrison	Watt
Gilbertson	Mutchler	Whelan
Greene	Nelson, Barnes	Williams
Gronvold	Nelson, Grand Fks.	Wog
Guenther	Olson	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Coffey	Johnson	Lowe
Fine	Kroeber	Stucke
Hulteng		

So the bill passed and the title was agreed to.

House Bill No. 217. A Bill for an Act Relating to Foreign Corporations; Providing for Their Admission to Transact Business in This State; for Their Withdrawal from This State; for the Revocation of Their Authority to Transact Business in This State; for Payment by Them of Certain License Fees; for Filing by Them of Annual Reports; for Appointment by Them of Resident Agents for Service of Process; for Service of Process on Foreign Corporations; for Penalties and Liabilities for Violations of This Act; for Filing and Recording of Certificates of Authority Issued Pursuant to This Act, and Their Effect as Evidence; for Payment by Foreign Corporations of Certain Fees to the Secretary of State and to Registers of Deeds; for Application of This Act to Foreign Corporations Heretofore Authorized to Transact Business in This State; Repealing Sections 5240, 5241 and 5242 of the Compiled Laws of North Dakota of 1913; Sections 5238a1, 5238a2 and 5239 of the 1925 Supplement to the Compiled Laws of North Dakota of 1913; and Section 5238 of the 1925 Supplement to the Compiled Laws of North Dakota of 1913, as Amended and Re-enacted by Chapter 99 of the Session Laws of North Dakota of 1929, and All Acts or Parts of Acts in so far as They 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, 33; nays, 11; absent and not voting 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Greene	Mutchler
Bilden	Gronvold	Nelson, Barnes
Blaisdell	Guenther	Nelson, Grand Fks.
Brostuen	Guthrie	Skarvold
Cain	Kamrath	Stucke
Crandall	Kolpin	Trout
Drew	Lemke	Vinje
Ettestad	Lian	Watt
Fowler	Lynn	Whelan
Fredrickson	McGillic	Wog
Gilbertson	Morrison	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Johnson	Owings	Thorson
Lavik	Strehlow	Topp
Magoffin	Streibel	Williams
Olson	Thatcher	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Coffey	Hulteng	Lowe
Fine	Kroeber	

So the bill passed and the title was agreed to.

Senator Blaisdell moved that the Senate do now recess until 9:30 o'clock tomorrow, which motion was lost.

Senator Gilbertson moved that further consideration of House Bill No. 230 be indefinitely postponed.

Which motion was lost.

Senator Fredrickson moved that House Bill No. 230 be amended as follows:

At the end of Section 1, add the following: "Provided, however, that the provisions of this Act shall not apply to municipally owned light and power companies".

Which motion was lost.

House Bill No. 230. A Bill for an Act Prohibiting Electrical Power Companies From Charging a Deposit Upon Any Meter Installed Upon the Premises of Any User of Current Unless Interest Is Paid Annually Upon Such Deposit.

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, 8; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Owings
Bilden	Kolpin	Skarvold
Blaisdell	Kroeber	Streibel
Brostuen	Lavik	Stucke
Cain	Lemke	Thorson
Crandall	Lian	Topp
Drew	Lowe	Trout
Ettestad	Lynn	Watt
Fine	McGillic	Whelan
Fowler	Morrison	Williams
Greene	Mutchler	Wog
Guthrie	Nelson, Barnes	Young
Johnson	Olson	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Fredrickson	Guenther	Strehlow
Gilbertson	Magoffin	Vinje
Gronvold	Nelson, Grand Fks.	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Coffey	Hulteng	Thatcher

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Senator Trout moved that the record show the following Senators were absent for one hour attending committee meeting: Senators Drew, Lian, Magoffin and Trout.

Which motion prevailed.

House Bill No. 239. A Bill for an Act to Amend and Re-enact Section 77 of Chapter 168, Session Laws of 1919 Which Also Appears as Section 3084a77 of the 1925 Supplement Governing Coal Mining Near Boundary Lines and Including Therein Coal Mining Near State, County and Township Highways.

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, 47; nays, 0; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Johnson	Owings

Messrs.	Messrs.	Messrs.
Blaisdell	Kamrath	Skarvold
Brostuen	Kolpin	Strehlow
Cain	Kroeber	Streibel
Coffey	Lavik	Stucke
Crandall	Lemke	Thorson
Drew	Lian	Topp
Ettestad	Lowe	Trout
Fine	Lynn	Vinje
Fowler	Magoffin	Watt
Fredrickson	McGillic	Whelan
Gilbertson	Morrison	Williams
Greene	Mutchler	Wog
Gronvold	Nelson, Barnes	Young
Guenther	Nelson, Grand Fks.	

Absent and not voting:

Messrs.	Messrs.
Hulteng	Thatcher

So the bill passed and the title was agreed to.

House Bill No. 246. A Bill for an Act to Amend and Re-enact Section 2, of Chapter 141, of the 1927 Session Laws, Relating to the Prevention of Fraud and Deception in the Manufacture and Sale of Concentrated, Commercial Feeding Stuffs and Providing for Registration and Labeling Thereof and Repealing Acts in Conflict Therewith.

Was read the second time.

Senator Kroeber moved that further consideration of House Bill No. 246 be indefinitely postponed.

Which motion lost.

### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 35; nays, 12; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Olson
Blaisdell	Kamrath	Owings
Brostuen	Kolpin	Skarvold
Coffey	Lemke	Streibel
Crandall	Lian	Stucke
Drew	Lowe	Thorson
Ettestad	Lynn	Vinje
Fine	Magoffin	Watt
Fowler	McGillic	Williams
Fredrickson	Morrison	Wog
Greene	Mutchler	Young
Guthrie	Nelson, Barnes	



Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Bilden	Guenther	Strehlow
Cain	Kroeber	Topp
Gilbertson	Lavik	Trout
Gronvold	Nelson, Grand Fks.	Whelan

Absent and not voting:

Messrs.	Messrs.
Hulteng	Thatcher

So the bill passed and the title was agreed to.

Senator Olson moved that the vote by which House Bill No. 246 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 250. A Bill for an Act to Amend and Re-enact Section 635 of the 1913 Compiled Laws of the State of North Dakota With Reference to Availability of Appropriations, Repealing All Acts in Conflict, 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, 40; nays, 6; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Kamrath	Owings
Blaisdell	Kolpin	Skarvold
Brostuen	Lavik	Strehlow
Cain	Lemke	Streibel
Coffey	Lian	Stucke
Crandall	Lowe	Thorson
Drew	Lynn	Trout
Ettestad	Magoffin	Vinje
Fowler	McGillie	Watt
Fredrickson	Morrison	Whelan
Gilbertson	Mutchler	Wog
Greene	Nelson, Barnes	Young
Guenther		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Gronvold	Kroeber	Topp
Johnson	Nelson, Grand Fks.	Williams

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fine	Hulteng	Thatcher

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Senator Greene moved that the vote by which House Bill No. 250 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The Committee on Education introduced:

SENATE CONCURRENT RESOLUTION "M", memorializing Congress to enact Senate Bill No. 419.

Senator Fine moved that the rules be suspended and Senate Concurrent Resolution "M" be adopted.

Which motion prevailed.

#### REPORT OF 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. 64, Senate Bill No. 76, Senate Bill No. 78, Senate Bill No. 119, Senate Bill No. 37, Senate Bill No. 131 and Senate Bill No. 35 were delivered to the Governor for his approval at the hour of 5:21 o'clock P. M., March 2nd, 1937.

WILLIAM KROEBER,  
Chairman.

The Committee on Enrollment and Engrossment made the following report:

Mr. President: Your Committee on Enrollment and Engrossment respectfully report that Senate Bill No. 41, Senate Bill No. 160, Senate Bill No. 96 and Senate Bill No. 126, were delivered to the Governor for his approval at the hour of 5:40 o'clock P. M., March 2nd, 1937.

WILLIAM KROEBER,  
Chairman.

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign:

SENATE CONCURRENT RESOLUTION "T".

Also,

SENATE CONCURRENT RESOLUTION "U".

Also,

Senate Bill No. 39. A Bill for an Act Making an Appro-

proprition for the Care of Feeble Minded Whose Residence Cannot Be Determined and Whose Care Must Be Borne by the State.

Also,

Senate Bill No. 10. A Bill for an Act Making an Appropriation for the Purpose of Carrying Out the Provisions of Sections 1471b1 to 1471b9 and 1471c1 to 1471c8 of the Supplement to the Compiled Laws of 1913.

Also,

Senate Bill No. 12. A Bill for an Act Making an Appropriation for the Per Diem, Salaries and General Expenses of the State Livestock Sanitary Board.

Also,

Senate Bill No. 178. A Bill for an Act Making an Appropriation for Improvements and Repairs at the North Dakota Soldiers' Home at Lisbon, North Dakota.

Also,

House Bill No. 105. A Bill for an Act to Amend and Re-enact Section 1151 of the Compiled Laws of 1913, as Amended and Re-enacted by Chapter 237, Session Laws of 1927, Relating to Election of Officers of Common School Districts, and Prescribing Qualifications Therefor.

Also,

House Bill No. 178. A Bill for an Act Making an Appropriation for the Purpose of Paying Rental and Eliminating Toll Charges on the Great Northern Railway Company's Bridge Across the Yellowstone River in McKenzie County, North Dakota, and Authorizing the State Highway Commissioner to Enter Into a Contract With the Great Northern Railway Company to Provide Free Crossing to Vehicle and Traffic Over Said Bridge.

Also,

House Bill No. 81. A Bill for an Act Extending the Definition of "Villages" to Include "Incorporated Towns" Where Such Towns Were Incorporated Under Any Law of the Territory of Dakota or of the State of North Dakota, and Repealing All Acts or Parts of Acts in Conflict Therewith.

Also,

House Bill No. 118. A Bill for an Act to Provide for Additional and Supplemental Assessments of Omitted Property for Benefits for Improvements Established, Constructed and Maintained Pursuant to Chapter 116, Laws of 1919, and to Amend Chapter 116, Laws of 1919.

Also,

House Bill No. 229. A Bill for an Act to Repeal Chapter 267 of the 1935 Session Laws, the Same Being an Amend-

ment and Re-enactment of Chapter 94 of the Session Laws of the State of North Dakota for the Year 1929, Relating to the Custodian of the Capitol Building and Grounds, Describing His Duties, Powers and Compensation and Appointing of Such Custodian.

Also,

House Bill No. 104. A Bill for an Act to Amend and Re-enact Section 1265 of the Compiled Laws of 1913, Relating to Candidates and the Official Ballot at Elections in Special School Districts.

Also,

House Bill No. 179. A Bill for an Act Making it Unlawful to Obtain or Attempt to Obtain Relief by False and Fraudulent Representation.

Also,

House Bill No. 80. A Bill for an Act to Amend and Re-enact Sections 201 and 214 and 215 of the Compiled Laws of North Dakota for the Year 1913 as Amended and Re-enacted by Sections 1, 3 and 4 of Chapter 147 of the 1931 Session Laws of the State of North Dakota, and Repealing Section 213 of the Compiled Laws of North Dakota for the Year 1913 as Amended by Section 2 of Chapter 147 of the 1931 Session Laws of the State of North Dakota, and Repealing Section 217 of the 1913 Compiled Laws of the State of North Dakota, Relating to the Creation of a Fire Marshal Department.

Also,

House Bill No. 183. A Bill for an Act Authorizing County, Municipal, Township and School Board Officials to Waive the Furnishing of Surety or Personal Bonds, Where Such Funds are Insured in the Federal Deposit Insurance Corporation, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Also,

House Bill No. 37. A Bill for an Act to Amend and Re-enact Section 1160 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to the Organization of Common School Districts.

Also,

House Bill No. 47. A Bill for an Act Making an Appropriation for the Purpose of Paying Travel Expenses of the Office of the State Examiner, as Provided by Chapter 71, Session Laws of 1933.

Also,

House Bill No. 180. A Bill for an Act to Amend and Re-enact Section 10 of Chapter 97 of the Session Laws of 1933, Providing Duty of Relative to Aid and Right of Recovery by County or County Welfare Board.

Also,

House Bill No. 170. A Bill for an Act to Provide That the School Census in All Types of School Districts Shall Be Conducted in Odd Numbered Years Only.

And the President signed the same in the presence of the Senate.

Senator Cain moved that the Senate do now recess until 10:00 o'clock A. M. tomorrow, which motion prevailed. The Senate stood recessed.

#### COURTESIES OF THE FLOOR

The courtesies of the floor were extended to: Mrs. Harold Sorenson, Mrs. Dr. Strauss, Bismarck; August Breitbarth, Wishek; Mrs. M. O. Ryan, Fargo; Wm. J. Brown, Wahpeton; Paul Leum, Mayville; Jake Will, Fred Perman, Oswald Bauman, Irwin Heiser, Christ Dockter, George Rath, Wishek.

THOMAS McDONALD,  
Secretary.

FIFTY-SEVENTH DAY AFTER RECESS  
AND FIFTY-EIGHTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
March 3, 1937.

The Senate convened at 10:00 A. M., pursuant to recess taken, President Thoresen presiding.

SECOND READING OF HOUSE BILLS

House Bill No. 106. A Bill for an Act to Amend and Re-enact Sections 2551, 2552, 2553, 2562, 2564 and 2567 of the Compiled Laws of the State of North Dakota for the Year 1913; Providing for Application of Admission to the State Hospital for the Insane; Providing for the Investigation by the Commissioners of Insanity as to Such Application; Providing for Method of Sending Patients to the State Hospital for the Insane; Defining the Terms "Insane" and "Idiot"; Providing for the Issuance of Warrants of Insanity, or Warrants as to the Requirement of Treatment and/or Observation by the Superintendent of the State Hospital for the Insane; Providing for the Issuance of a Writ of Habeas Corpus in Certain Cases; Repealing All Acts and Parts of Acts in Conflict Therewith, 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, 29; nays, 4; absent and not voting 16.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Olson
Bilden	Kolpin	Owings
Blaisdell	Lavik	Skarvold
Cain	Lian	Stucke
Crandall	Lynn	Trout
Drew	Magoffin	Vinje
Fowler	McGillic	Whelan

Messrs.	Messrs.	Messrs.
Fredrickson	Morrison	Williams
Guthrie	Mutchler	Wog
Johnson	Nelson, Barnes	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Ettestad	Kroeber	Strehlow
Gilbertson		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Hulteng	Thatcher
Coffey	Lemke	Thorson
Fine	Lowe	Topp
Greene	Nelson, Grand Fks.	Watt
Gronvold	Streibel	Young
Guenther		

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

House Bill No. 107. A Bill for an Act to Amend and Re-enact Section 2572a of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Providing for the Settlement of the Expenses of Patients in the Hospital for the Insane, the Institution for the Feeble-Minded and State Tuberculosis Sanatorium, Between the Various Counties, the State and Such Institutions, Providing for Disputed Claims, Repealing All Acts in Conflict Therewith, 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, 1; absent and not voting 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Johnson	Owings
Blaisdell	Kamrath	Skarvold
Brostuen	Kolpin	Strehlow
Cain	Kroeber	Streibel
Crandall	Lavik	Stucke
Drew	Lemke	Thorson
Ettestad	Lian	Topp
Fine	Lynn	Trout
Fowler	Magoffin	Vinje
Gilbertson	McGillic	Watt
Greene	Morrison	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog

Those voting in the negative were:

Messrs.
Thatcher

Absent and not voting:

Messrs.	Messrs.	Messrs.
Coffey	Hulteng	Mutchler
Fredrickson	Lowe	Young

[So the bill passed and the title was agreed to and the emergency clause was declared carried.]

#### MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
March 3, 1937.

Mr. President: I have the honor to return herewith the following bills and resolution:

Senate Bill No. 176. A Bill for an Act to Amend and Re-enact Section 1370, Session Laws of 1911, Chapter 266, as Amended by Chapter 239, Session Laws of 1927.

Also,

Senate Bill No. 248. A Bill for an Act to Encourage and Promote the Payment of Taxes By Providing for a Rebate On Payments.

Also,

Senate Bill No. 40. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the State Seed Department.

Also,

Senate Bill No. 246. A Bill for an Act, Providing for the Issuance by the Industrial Commission of Certificates of Indebtedness in Anticipation of the Collection of Property Taxes, Which Have Been Levied by the State Board of Equalization; Prescribing the Terms and Conditions Hereof; Providing for Their Sale and Delivery and Payment; Establishing of the Certificate of Indebtedness Retirement Fund, and Repealing All Acts or Parts of Acts Inconsistent With the Provisions of This Act, and Declaring an Emergency.

Also,

Senate Bill No. 111. A Bill for an Act Authorizing Municipalities to Acquire, Construct, Re-construct, Improve, Better, and Extend Certain Revenue-producing Undertakings; to Maintain and Operate the Same and to Prescribe, Revise and Collect Rates, Fees, Tolls, and Charges for the Services, Facilities, and Commodities Furnished Thereby, and, in Anticipation of the Collection of the Revenues Thereof, to Issue Bonds Payable Solely From Such Revenues; Regulating the Issuance of Such Bonds and Providing for Their Payment and for the Rights of the Holders Thereof, and Other Matters Necessary in the Premises; and Declaring an Emergency.

Also,



Senate Bill No. 16. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the Public Health Laboratories.

Also,

Senate Bill No. 113. A Bill for an Act to Authorize and Regulate the Issuance of Bonds for the Purpose of Refinancing or Refinancing and Improving, Revenue-producing Works, Undertakings, and Projects by Cities, Villages and Towns, and to Provide for the Payment of Such Bonds, the Remedies of Holders Thereof; and Declaring an Emergency.

Also,

Senate Bill No. 15. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the Department of Public Health.

Also,

Senate Bill No. 112. A Bill for an Act Simplifying the Procedure for the Construction and Financing of Public Works Projects by Municipalities, Enabling Municipalities to Make and Perform Contracts With Federal Agencies Relating to the Construction and Financing of Such Projects and Conferring Additional Power Upon Municipalities; and Declaring an Emergency.

Also,

Senate Bill No. 85. A Bill for an Act to Amend Chapter 94 of the Laws of 1935, Relating to Loans and Investments Under the National Housing Act so as to Make Mortgages Insured and Debentures Issued by the Federal Housing Administrator Eligible for Deposit; and for Clarification Purposes.

Also,

Senate Bill No. 245. A Bill for an Act Directing the Board of Railroad Commissioners to Test Electric Meters of Electric Utility Companies and Gas Meters of Gas Utility Companies, and to Determine the Heat Values of Natural and/or Artificial Gas Distributed by Public Gas Utility Companies, and Making an Appropriation for Testing Equipment Therefor, and Declaring an Emergency.

Also,

Senate Bill No. 105. A Bill for an Act to Amend and Re-enact Section 8, of Chapter 108, of the Session Laws of 1935, Relating to Credit Unions in the State of North Dakota.

Also,

Senate Bill No. 173. A Bill for an Act Amending and Re-enacting Section 30, of Chapter 96, of the Session Laws of

the State of North Dakota for the Year 1931, Relating to Reserve Funds of State Banking Associations.

Also,

SENATE CONCURRENT RESOLUTION "O".

Which the House has passed unchanged.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota.  
March 3, 1937.

Mr. President: I have the honor to return herewith the following bills:

Senate Bill No. 152. A Bill for an Act to Amend and Re-enact Sections 10169a4, and 10169a5 of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, Dealing with the North Dakota Beverage Inspection Act, Defining the Beverages Coming Within the Provisions of That Act, and Fixing the Fee Required to be Paid for Registration of Label Thereof, and Declaring an Emergency.

Also,

Senate Bill No. 158. A Bill for an Act to Provide for the Attendance of Non-Resident Students at the Public Schools of This State; to Regulate the Terms of Their Admission; and to Permit the Payment by School Boards of Tuition, Transportation, Board and Lodging of Resident Students Attending Other Schools.

Also,

Senate Bill No. 254. A Bill for an Act to Amend and Re-enact Section 2 and to Repeal Sections 3 and 4 of Chapter 138 of the North Dakota Session Laws for the Year 1929 Entitled "An Act to Provide for the Storage of Grain Upon Farms and on or Near Railway Rights-of-Way Within the State of North Dakota; Regulating the Same for the Purpose of Procuring Loans Upon Such Grain; Making Provisions for the Issuance of Negotiable Warehouse Certificates Upon Grain so Stored, Not in a Public Warehouse; Creating the Office of 'Grain Storage Commissioner of North Dakota,' Prescribing His Duties and Empowering Him to Make Rules and Regulations Necessary or Advisable to the Purposes of Such Act; Prescribing Penalties for the Violation of the Provisions Thereof; and Repealing All Acts or Parts of Acts in Conflict Therewith.

Also,

Senate Bill No. 231. A Bill for an Act Providing for the Abolition of the Office of Common School District Treasurer Upon Majority Vote at Annual School Elections.

Also,

Senate Bill No. 195. A Bill for an Act to Rid the State of a Public Nuisance, Namely Irresponsible Collectors or Collection Agencies who Themselves are Operating Without Sufficient Funds and Who are Unable to Pay their Own Obligations, Yet Who Continually Persist in Cluttering Up the Courts With Garnishment and Attachment Actions, Causing Many Worthy Individuals with Large Families to Support, to Lose Their Jobs by Useless Litigation.

Also,

Senate Bill No. 169. A Bill for an Act to Provide for the Protection of Prehistoric Deposits, Relics, Indian Mounds, Graves, Village Sites, and Other Archaeological Material. To Provide for Licensing Persons Engaged in Exploring and Excavating for Ancient Ruins and Archaeological Material and Providing a Penalty for Violations.

Also,

Senate Bill No. 13. A Bill for an Act Requiring Licenses for the Operation, Maintenance, Opening or Establishment of Stores in This State, Prescribing the License and Filing Fees to Be Paid Therefor, and the Disposition Thereof, and the Powers and Duties of the State Tax Commissioner in Connection Therewith, and Prescribing Penalties for the Violation Thereof.

Also,

Senate Bill No. 26. A Bill for an Act to Provide for a Civil Service Commission and Providing for the Appointment of an Executive Secretary Thereto; Defining the Powers, Duties and Compensation of Such Commission and Executive Secretary; Providing for and Defining a Classified Civil Service for the State of North Dakota; Granting to the Civil Service Commission the Right to Make Rules for the Examination and Certification of Persons Eligible for Appointment to Positions in the Classified Civil Service; Making Certain Rules for the Appointment, Promotion, Transfer, and Reinstatement of Persons to Positions in the Classified Civil Service; Providing Penalties for Violations of the Act and Making an Appropriation for the Purpose of Paying the Salaries and Other Expenses of Said Civil Service Commission.

Also,

Senate Bill No. 88. A Bill for an Act Making Unlawful Certain Discriminations in Price, in Services or Facilities Furnished, or in Payment for Services or Facilities to Be Rendered, in Connection with the Sale of Commodities in the Course of Trade or Commerce, and Providing Certain Remedies for Violation.

Also,

Senate Bill No. 107. A Bill for an Act to Amend and Re-enact Section 7971, Compiled Laws of 1913, Relating to Ac-

tions of quo warranto Against Usurping Officers and Others.

Also,

Senate Bill No. 94. A Bill for an Act Providing for the Granting of Concessions in State, County, and Municipal Public Buildings and the Grounds Adjacent Thereto, for Cafes, Restaurants, and Confectioneries; and, Providing for the Leasing, Renting, and Licensing of Such Public Concessions, and Making it Unlawful for Any State Official, County Official, Municipal Official, and Any Commission or Board Thereof, to Let Anyone Have the Use and Benefits of Any Such Concessions Without Having Complied With the Provisions of This Act, and Providing a Penalty Therefor; and Making This Act an Emergency Measure.

Also,

Senate Bill No. 235. A Bill for an Act Establishing a State Board of Public Finance, Setting Out the Membership Thereof, Defining the Duties of Such Board, Making it Unlawful for Any State Officer, Superintendent, Manager or Head of Any State Department to Purchase or Sell Securities for or on Behalf of the State and Providing a Penalty Therefor; Repealing All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

Also,

Senate Bill No. 108. A Bill for an Act Requiring an Appropriation by the Legislature, Before Any Expenditure Can Be Made or Liability Incurred for Advertising by the State, or Any of Its Institutions, Departments or Enterprises.

Which the House has indefinitely postponed.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 3, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bills and resolutions:

Senate Bill No. 178. A Bill for an Act Making an Appropriation for Improvements and Repairs at the North Dakota Soldiers' Home at Lisbon, North Dakota.

Also,

Senate Bill No. 12. A Bill for an Act Making an Appropriation for the Per Diem, Salaries and General Expenses of the State Livestock Sanitary Board.

Also,

Senate Bill No. 10. A Bill for an Act Making an Appropriation for the Purpose of Carrying Out the Provisions of Sections 1471b1 to 1471b9 and 1471c1 to 1471c8 of the Supplement to the Compiled Laws of 1913.

Also,

Senate Bill No. 39. A Bill for an Act Making an Appropriation for the Care of Feeble Minded Whose Residence Cannot Be Determined and Whose Care Must Be Borne by the State.

Also,

SENATE CONCURRENT RESOLUTION "U"

Also,

SENATE CONCURRENT RESOLUTION "T"

Which the President has signed and your signature is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
March 3, 1937.

Mr. Speaker: I have the honor to return herewith the following bills:

House Bill No. 105. A Bill for an Act to Amend and Re-enact Section 1151 of the Compiled Laws of 1913, as Amended and Re-enacted by Chapter 237, Session Laws of 1927, Relating to Election of Officers of Common School Districts, and Prescribing Qualifications Therefor.

Also,

House Bill No. 178. A Bill for an Act Making an Appropriation for the Purpose of Paying Rental and Eliminating Toll Charges on the Great Northern Railway Company's Bridge Across the Yellowstone River in McKenzie County, North Dakota, and Authorizing the State Highway Commissioner to Enter Into a Contract With the Great Northern Railway Company to Provide Free Crossing to Vehicle and Traffic Over Said Bridge.

Also,

House Bill No. 81. A Bill for an Act Extending the Definition of "Villages" to Include "Incorporated Towns" Where Such Towns Were Incorporated Under Any Law of the Territory of Dakota or of the State of North Dakota, and Repealing All Acts or Parts of Acts in Conflict Therewith.

Also,

House Bill No. 118. A Bill for an Act to Provide for Addi-

tional and Supplemental Assessments of Omitted Property for Benefits for Improvements Established, Constructed and Maintained Pursuant to Section 8320a1 to Section 8320a4, Inclusive, of the Supplement to the Compiled Laws of 1913, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Also,

House Bill No. 229. A Bill for an Act to Repeal Chapter 267 of the 1935 Session Laws, the Same Being an Amendment and Re-enactment of Chapter 94 of the Session Laws of the State of North Dakota for the Year 1929, Relating to the Custodian of the Capitol Building and Grounds, Describing His Duties, Powers and Compensation and Appointing of Such Custodian.

Also,

House Bill No. 104. A Bill for an Act to Amend and Re-enact Section 1265 of the Compiled Laws of 1913, Relating to Candidates and the Official Ballot at Elections in Special School Districts.

Also,

House Bill No. 179. A Bill for an Act Making it Unlawful to Obtain or Attempt to Obtain Relief by False and Fraudulent Representation.

Also

House Bill No. 80. A Bill for an Act to Amend and Re-enact Sections 201 and 214 and 215 of the Compiled Laws of North Dakota for the Year 1913 as Amended and Re-enacted by Sections 1, 3 and 4 of Chapter 147 of the 1931 Session Laws of the State of North Dakota, and Repealing Section 213 of the Compiled Laws of North Dakota for the Year 1913 as Amended by Section 2 of Chapter 147 of the 1931 Session Laws of the State of North Dakota, and Repealing Section 217 of the 1913 Compiled Laws of the State of North Dakota, Relating to the Creation of a Fire Marshal Department.

Also,

House Bill No. 183. A Bill for an Act Authorizing County, Municipal, Township and School Board Officials to Waive the Furnishing of Surety or Personal Bonds, Where Such Funds are Insured in the Federal Deposit Insurance Corporation, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Also,

House Bill No. 37. A Bill for an Act to Amend and Re-enact Section 1160 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to the Organization of Common School Districts.

Also,

House Bill No. 47. A Bill for an Act Making an Appro-

priation for the Purpose of Paying Travel Expenses of the Office of the State Examiner, as Provided by Chapter 71, Session Laws of 1933; Declaring an Emergency.

Also,

House Bill No. 180. A Bill for an Act to Amend and Re-enact Section 10 of Chapter 97 of the Session Laws of 1933, Providing Duty of Relative to Aid and Right of Recovery by County or County Welfare Board.

Also,

House Bill No. 170. A Bill for an Act to Provide That the School Census in All Types of School Districts Shall Be Conducted in Odd Numbered Years Only; Repeal, and Declaring an Emergency.

Which the President has signed.

Very respectfully,

THOMAS McDONALD,  
Secretary.

SECOND READING OF HOUSE BILLS

House Bill No. 108. A Bill for an Act to Amend and Re-enact Section 2579 of the 1925 Supplement to the Compiled Laws of the State of North Dakota for 1913, Providing That the Expenses for the Treatment and Maintenance of Insane Persons in the State Hospital for the Insane Shall Be Charged Against the Estate of Such Persons, Providing for the Disposition of Property of Insane Persons, Repealing All Acts in Conflict Therewith 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, 33; nays, 11; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Gronvold	Owings
Blaisdell	Guenther	Skarvold
Brostuen	Guthrie	Streibel
Cain	Kamrath	Stucke
Coffey	Lemke	Topp
Crandall	Lian	Vinje
Drew	Lynn	Watt
Ettestad	Magoffin	Whelan
Fowler	McGillic	Williams
Fredrickson	Nelson, Barnes	Wog
Gilbertson	Nelson, Grand Fks.	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Bilden	Kolpin	Olson
Fine	Kroeber	Strehlow

Messrs.	Messrs.	Messrs.
Greene	Lavik	Thorson
Johnson	Morrison	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Hulteng	Mutchler	Trout
Lowe	Thatcher	

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

#### REPORT OF 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 Bills No. 130, 65; Senate Bills No. 129, 5, and Senate Bill No. 57 were delivered to the Governor for his approval at the hour of 5:40 o'clock P. M., March 1, 1937.

WM. KROEBER,  
Chairman.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
March 3, 1937.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to House Bill No. 249.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### SECOND READING OF HOUSE BILLS

House Bill No. 252. A Bill for an Act Providing for the Payment to a Retail Implement Dealer of Certain Sums for All Stock of Farming Implements and Repairs for Farm Implements Upon the Cancellation of Any Contract Between Such Retail Implement Dealer and the Manufacturer, Wholesaler, or Distributor of Farm Implements, Machinery and Repair Parts for Farm Implements and Farm Machinery.

Was read the second time.

Senator Whelan moved that House Bill 252 be made a special order of business for 11:30 a. m.

Which motion prevailed.

Senator Brostuen moved that the report of the Standing



Committee, recommending House Bill No. 353 for passage, be adopted.

Which motion prevailed.

Senator Lemke moved that the rules be suspended and House Bill No. 353 be placed upon Second Reading and Final Passage.

Which motion prevailed.

House Bill No. 353 was read the second time.

Senator Fowler moved that further consideration of House Bill No. 353 be deferred until after two o'clock.

Which motion prevailed.

Senator Lemke moved that House Bills No. 46, 198, and 199 be placed at the head of the calendar.

Which motion prevailed.

The Senate had under consideration House Bill No. 46, being the general budget bill.

Senator Watt moved that as each section was read, the Senators offer any amendment or make any objection desired; that if no objection or amendment should be offered, the section would be considered approved.

Which motion prevailed.

Senator Whelan moved that House Bill No. 46 be amended as follows:

On page 9 of the printed bill following line 178, insert line 178½ as follows:

"178½ To investigate and prosecute irregularities of State Hail Insurance Department and State Bond Transactions, and to hire special assistants, \$1,500.00."

Which motion prevailed.

Senator Whelan moved that House Bill No. 46 be amended as follows:

On page 10 of the printed bill, line 189, correct the total to read as follows: "\$53,340.00."

Which motion prevailed.

Senator Watt moved to amend House Bill No. 46 as follows:

Correct lines 265 to read: "Traffic Expert.....\$6,400.00"

Correct line 269 to read: "Accountant.....\$5,000.00"

Which motion lost.

Senator Lemke moved that House Bill No. 46 be placed upon second reading and final passage as amended.

Which motion prevailed.

House Bill No. 46. A Bill for an Act to Appropriate Money for the Expenses of the Executive, Legislative and Judicial

Departments of the State Government, and for Public Schools, Specifying the Amount and Time for Which Such Appropriations Shall Be Available, and Repealing All Acts, or Parts of Acts, Insofar as the Same Shall Relate to Appropriations Conflicting Herewith or to Appropriations for the Same Matters or Purposes Provided for Herein.

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, 1; absent and not voting 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Johnson	Owings
Blaisdell	Kamrath	Skarvold
Brostuen	Kolpin	Strehlow
Cain	Lavik	Streibel
Coffey	Lemke	Thorson
Crandall	Lian	Topp
Drew	Lowe	Trout
Ettestad	Lynn	Vinje
Fredrickson	Magoffin	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Granvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young

Those voting in the negative were:

Messrs.  
Kroeber

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fine	Hulteng	Stucke
Fowler	McGillic	Thatcher

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

At this time the Senate resumed consideration of House Bill No. 252, which had been made a special order of business for 11:30 o'clock.

Senator Whelan presented the following amendments to House Bill No. 252, which were read from the desk.

In line 2 of the title of the printed bill, after the word "Dealer", insert the following: "or an automobile or truck dealer".

In the last line of the title of the printed bill, after the word "Machinery", change the period to a comma and add the following language: "or automobiles or trucks or repair parts for automobiles or trucks".

In line 3, Section 1 of the printed bill, after the word "implements," insert the following: "or automobiles or trucks or repair parts for automobiles or trucks."

In line 6, Section 1 of the printed bill, after the word "machinery," insert the following: "or automobiles or trucks or repair parts for automobiles or trucks."

In line 12, page 2, Section 1 of the printed bill, after the word "stock," insert the following language: "and for all automobiles or trucks or repair parts for automobiles or trucks."

In line 2, Section 2, page 2, after the word "parts," insert the following language: "and automobiles, trucks or repair parts."

In line 3, Section 3, page 2 of the printed bill, after the word "implements," insert the following language: "or automobiles, trucks or repair parts therefor."

In line 7, Section 3, page 3 of the printed bill after the word "implements" insert the following: "or automobiles or trucks or repair parts therefor."

In line 13, Section 3, page 2 of the printed bill after the word "parts" insert the following: "or automobiles or trucks or repair parts therefor."

In line 16, Section 3, page 3 of the printed bill after the word "parts" insert the following: "or automobiles or trucks or repair parts therefor."

In line 22, Section 3, page 3 of the printed bill, after the word "machinery," strike out the period and insert a comma in lieu thereof, and insert the following language: "or automobiles or trucks or repair parts therefor."

In line 3 of the title, after the word "implements," insert the following: "and automobiles or trucks or parts therefor."

In line 4 of the title, strike out the word "implement."

In line 18, Section 3, page 3, after the word "parts," insert the following: "or automobiles or trucks or parts therefor."

Senator Whelan moved that the amendment be adopted.

Which motion prevailed.

Senator Whelan moved that House Bill No. 252 be placed upon second reading and final passage, as amended.

Which motion prevailed.

#### ROLL CALL

The question being on the final passage of House Bill No.

252, as amended, the roll was called and there were ayes, 41; nays, 4; absent and not voting, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Owings
Bilden	Kolpin	Skarvold
Blaisdell	Kroeber	Strehlow
Brostuen	Lavik	Streibel
Cain	Lemke	Stucke
Coffey	Lowe	Thorson
Crandall	Lynn	Topp
Fine	Magoffin	Trout
Fowler	McGillic	Vinje
Greene	Morrison	Whelan
Gronvold	Mutchler	Williams
Guenther	Nelson, Barnes	Wog
Guthrie	Nelson, Grand Fks.	Young
Johnson	Olson	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Drew	Gilbertson	Lian
Ettestad		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fredrickson	Thatcher	Watt
Hulteng		

So the bill passed and the title was agreed to.

Senator Gronvold moved that the vote by which House Bill No. 252 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Wog moved that the Senate request the House to return House Bill No. 15.

Which motion prevailed.

Senator Gilbertson moved that the Senate do now adjourn, which motion prevailed.

The Senate stood adjourned.

THOMAS McDONALD,  
Secretary.

#### FIFTY-EIGHTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
March 3, 1937.

The Senate convened at 2:00 P. M., pursuant to adjournment, the President presiding.

Prayer by the Chaplain, Rev. F. E. Logee, Bismarck.

Roll Call: All members present except Senator Hulteng

Senator Owings moved the absent Senator be excused.

Which motion prevailed.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 3, 1937.

Mr. Speaker: I have the honor to return herewith the following bills:

House Bill No. 250. A Bill for an Act to Amend and Re-enact Section 635 of the 1935 Compiled Laws of the State of North Dakota With Reference to Availability of Appropriations, Repealing All Acts in Conflict and Declaring an Emergency.

Also,

House Bill No. 324. A Bill for an Act to Amend and Re-enact Section 4400 of the Supplement to the 1913 Compiled Laws of North Dakota, Relating to the Affirmative Proof Required in Divorce Actions.

Also,

House Bill No. 209. A Bill for an Act to Protect Trade Mark Owners, Distributors and the Public Against Injurious and Uneconomic Practices in the Distribution of Articles of Standard Quality Under a Distinguished Trade Mark, Brand or Name.

Also,

House Bill No. 140. A Bill for an Act Relating to Public Utilities, Reports of Public Utilities to the Board of Railroad Commissioners; Valuations of Public Utilities Made by the Board of Railroad Commissioners; Duties of State Board of Equalization and/or State Tax Commissioner.

Also,

House Bill No. 311. A Bill for an Act Authorizing the State Treasurer to Execute on Behalf of the State Satisfactions of Mortgages on National Guard Armories in the State of North Dakota Given in Accordance With the Provisions of Chapter 174 of the Session Laws of North Dakota for 1907 and Amendments Thereto, and Declaring an Emergency.

Also,

House Bill No. 124. A Bill for an Act Relating to the Jurisdiction and Powers of the Board of Railroad Commissioners of the State of North Dakota, Relating to Hearings and Investigations in Connection With Public Utilities; and Relating to the Payment of Expenses of Hearings, and Investigations, and Valuations, and/or Revaluations, and of Methods of Assessing and Collecting the Same, Re-creating and Continu-

ing "Public Utility Fund," a Revolving Fund, and Declaring an Emergency, and Repealing All Acts or Parts of Acts in Conflict Herewith, Except the Provisions of Acts Relating to "Public Utility Fund."

Also,

House Bill No. 163. A Bill for an Act to Amend and Re-enact Section 4969, Compiled Laws of North Dakota for 1913; Requiring Accident and Sickness Insurance Corporations, Associations or Societies to Have and Maintain Admitted Assets of \$10,000.00; Repealing All Acts or Parts of Acts in Conflict Herewith; Declaring an Emergency.

Also,

House Bill No. 173. A Bill for an Act to Amend and Re-enact Section 7 of Chapter 152 of the Session Laws of North Dakota for 1935, Relating to the Licensing of Resident Agents for Surety and Insurance Companies Other Than Life Insurance Companies.

Also,

House Bill No. 196. A Bill for an Act to Amend and Re-enact Section 189c14 of the Supplement to the Compiled Laws of 1913 as Amended and Re-enacted by Section 12 of Chapter 153 Session Laws of 1935 Relating to Collection of Premiums for Fire and Tornado Insurance on Public Buildings and Investment by the State Treasurer, and Declaring an Emergency.

Also,

House Bill No. 233. A Bill for an Act Declaring That All Beer and Ale Manufactured or Sold in the State of North Dakota Containing 4%, or Less, of Alcohol by Weight, Shall Be Controlled by and Subject to the Provisions of the State Laws Relating to 3.2 Alcohol Content Beer; Declaring an Emergency.

Also,

House Bill No. 234. A Bill for an Act Requiring All Licensed Liquor Dealers to Make Available Reports, Records, Vouchers, Books, and Other Documents to the State Treasurer; Providing for Examination; Providing Penalties for Delinquencies and for Violations.

Also,

House Bill No. 304. A Bill for an Act to Provide for the Assessment of Car Line Companies, Express Companies, Pipe Line Companies, and Air Transportation Companies. Providing for the Allocation of the Tax to the State of North Dakota; and Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Also,

House Bill No. 357. A Bill for an Act to Apply and Make Applicable the Provisions of the House Bill No. 32 of the

Twenty-Fifth Legislative Assembly and Chapter 195 of the Laws of 1935 as Amended by House Bill Number 32 Afore-said, to "Warrants for Emergency Poor Relief" Issued Pursuant to Chapter 120 of the Laws of 1935 and Issued Prior to January 1st, 1939.

Which the Senate has passed unchanged.

Very respectfully,

THOMAS McDONALD,  
Secretary.

REPORT OF COMMITTEE ON REVISION AND  
CORRECTION OF THE JOURNAL

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 Fifty-seventh Day and find the same to be correct.

And recommend that the same be approved.

C. C. MORRISON,  
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 report:

Mr. President: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills: Senate Bill No. 256, Senate Bill No. 91, Senate Bill No. 247, Senate Bill No. 252, Senate Bill No. 239 and Senate Bill No. 192, and find the same correctly enrolled.

WILLIAM KROEBER,  
Chairman.

Senator Kroeber moved that the report be adopted, which motion prevailed, and the report was adopted.

MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 3, 1937.

Mr. Speaker: I have the honor to transmit herewith the following:

SENATE CONCURRENT RESOLUTION "W".

Which the Senate has passed and your favorable consideration is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
March 3, 1937.

Mr. Speaker: I have the honor to inform you that the Senate requests the return of House Bill No. 15 for signature.

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### REPORT OF STANDING COMMITTEES

The Committee on Insurance made the following report:

Mr. President: Your Committee on Insurance to whom was referred the report of the Attorney General of his investigation of irregularities and charges contained in Senate Resolution "L" and the apparent irregularities in the Hail Insurance Department as set forth on page 296 of the Senate Journal for January 30, 1937, have had the same under consideration and recommend that the suggestions and recommendations contained therein be adopted by this Senate;

That the District Court of Burleigh County be and hereby is requested to call a Grand Jury, which shall investigate all matters pertaining to the Hail Insurance Department, and in particular the payment by that Department of claims that had previously been rejected, the apparent changes made in the records of that Department by its employees as disclosed by the State Examiners report, and the practice followed in handling those claims, that the County of Burleigh be reimbursed for the reasonable and proper expense incurred by it for such investigation by said Grand Jury, and that the Court appoint disinterested legal counsel to carry on the investigation before the Grand Jury.

GEORGE V. COFFEY,  
Chairman.

Senator Whelan moved to amend the report as follows:

Strike out everything after the comma following the words "Grand Jury" three lines from the end of the report, and insert in lieu thereof the following: "and that the Chairman of the Insurance Committee, being an attorney, and now familiar with this matter, the Attorney General is hereby requested to appoint the said Chairman as Special Assistant Attorney General to carry on the investigation before the Grand Jury.

Which motion prevailed.

Senator Whelan moved that the report be adopted.

Which motion prevailed.

The Committee on Banks and Banking made the following report:



Mr. President: Your Committee on Banks and Banking to whom was referred House Bill No. 89, have had the same under consideration and recommend that the same be amended as follows:

1. Insert the following language at the beginning of Section 3: "Upon approval by one of the Judges of the District Court having jurisdiction,"; and change the capital "T" in the word "The" to a small "t".

2. In Section 3, line 5, of the engrossed bill, insert a "period" after the word "expense," and strike out the balance of the section.

3. In Section 4, line 4, of the engrossed bill, strike out the word "approved" and insert in lieu thereof the language: "first authorized".

And when so amended recommend that the same be placed on the calendar without recommendation.

MAX H. STREHLOW,  
Chairman.

Senator Strehlow moved that the report be adopted.

Which motion prevailed.

The Committee on Insurance made the following report:

Mr. President: Your Committee on Insurance to whom was referred House Bill No. 116, have had the same under consideration and recommend that the same be amended as follows:

1. On page 2, in line 6, Section 5, after the word "become," change the word "effected" to "effective".

2. On page 4, in line 13, Section 7, correct the spelling of the word "therefor".

3. On page 5, in line 2, Section 9, correct the spelling of the word "township".

4. On page 7, in line 23, Section 10, after the word "but," change the word "shall" to read "such".

5. On page 7, in line 1, Section 11, correct the spelling of the word "AFFIDAVIT".

6. On page 7, line 1, Section 11, after the word "owner," strike out the word "of" and insert in lieu thereof the word "or".

7. On page 10, line 22, Section 12, strike out the word "reinstallment" and insert in lieu thereof the word "reinstatement".

8. On page 10, line 5, Section 13, correct the spelling of the word "Bismarck".

9. On page 15, line 1, Section 21, strike out the word "persons" and insert in lieu thereof the word "person".

10. On page 16, in line 3, Section 24, strike out the word "wrongly" and insert in lieu thereof the word "wrongfully".

11. On page 16, line 12, Section 25, strike out the word "of" and insert in lieu thereof the word "on".

12. On page 17, line 4, Section 26, correct the spelling of the word "be".

And when so amended recommend the same do pass.

GEORGE V. COFFEY,  
Chairman.

Senator Coffey moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Coffey moved that the divided report on House Bill No. 116 entered yesterday be withdrawn and the report just presented be substituted therefor.

Which motion prevailed.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 3, 1937.

Mr. Speaker: I have the honor to return herewith the following bills:

House Bill No. 377. A Bill for an Act to Repeal Chapter 6 of the Session Laws of North Dakota for the Year 1935, Regulating the Purchase, Use, Administering and Handling of Hog Cholera Virus, and Declaring an Emergency.

Also,

House Bill No. 303. A Bill for an Act to Amend and Re-enact Section 2122, Compiled Laws of 1913, as Amended by Section 2122a of the 1925 Supplement to the 1913 Compiled Laws of North Dakota and Further Amended by the Initiated Measure Passed June 29, 1932, by the People of the State of North Dakota, and All Acts Amendatory Thereto, Providing for the Assessment of Stocks of Goods and Merchandise of Wholesale and Retail Dealers; Providing for Reports by Wholesale and Retail Dealers and Providing the Duties of the County Auditor and State Tax Commissioner; Repealing All Acts or Parts of Acts in Conflict Therewith, and Declaring an Emergency.

Also,

House Bill No. 165. A Bill for an Act to Amend and Re-enact Section 3802 Compiled Laws of North Dakota for the Year 1913, Relating to Salaries Under the Commission Form of Government.

Also,

House Bill No. 109. A Bill for an Act to Amend and Re-enact Sections 2568, 2569 and 2570, of the Compiled Laws of North Dakota for 1913, Providing for the Liability and the Expenses for the Insane, Declaring Responsibility of the County and of the State; Providing for the Duties of the Superintendent of the State Hospital for the Insane with Reference Thereto, Repealing All Acts in Conflict Therewith and Declaring an Emergency.

Also,

House Bill No. 110. A Bill for an Act to Amend and Re-enact Sections 1716a1 and 1717 of the 1925 Supplement of the Compiled Laws of North Dakota for 1913, Providing That the Cost of Keeping Patients in the Institution for the Feeble-Minded Shall Be a Charge Against the County Sending Such Patient and Against the State, That Persons Liable to Support Such Defective Person Shall, When Able, Pay the Expense of Treatment, Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Also,

House Bill No. 111. A Bill for an Act to Amend and Re-enact Section 2588 of the 1925 Supplement of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 251 of the Session Laws of North Dakota for 1929, Relating to the Cost of Maintenance of Patients at the North Dakota Tuberculosis Sanatorium, Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Which the Senate has indefinitely postponed.

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### REPORTS OF STANDING COMMITTEES

A minority of the Committee on Appropriations made the following report:

Mr. President: A minority of your Committee on Appropriations to whom was referred House Bill No. 167, have had the same under consideration and recommend that the same do pass.

ED. GREENE,  
MILTON R. YOUNG,  
HERMAN THORSON,  
R. M. STREIBEL,  
B. W. LEMKE.

A majority of the Committee on Appropriations made the following report:

Mr. President: A majority of your Committee on Appropriations to whom was referred House Bill No. 167, have had

the same under consideration and recommend that the same be indefinitely postponed.

WM. WATT,  
WM. J. LOWE,  
N. N. NELSON,  
J. K. BROSTUEN,  
OTTO TOPP,  
SYVER VINJE,  
FRED J. FREDRICKSON,  
WM. A. THATCHER,  
H. C. GUENTHER.

Senator Watt moved that the majority report be adopted.

Senator Streibel moved, as a substitute motion, that the report of the minority be substituted for the report of the majority which motion was lost.

The question then being on the motion of Senator Watt that the majority report be adopted, the motion prevailed.

Senator Watt moved that the vote by which House Bill No. 167 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The Committee on Education made the following report:

Mr. President: Your Committee on Education to whom was referred House Bill No. 168, have had the same under consideration and recommend that the same be amended as follows:

In the title of the bill after the word "Herewith" strike out the period and insert the following language: "And declaring an emergency."

In sub-section (c), line 47, page 4 of the printed bill after the word "year" strike out all of the language to and including the word "limit" and insert in lieu thereof the following language: "An amount equal to that produced by the average of the prior five year levy for that school district."

In Section 8, line 29, page 13 of the printed bill, strike out the figures "\$160.00" and insert in lieu thereof the figures "\$120.00."

In Section 8, line 27, page 13 of the printed bill, strike out the figures "\$160." and insert in lieu thereof the figures "\$120.00."

At the end of the bill the following Section is to be added: "SEC. 14. EMERGENCY.) An emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval."

Strike out Paragraph (c) of Section 2 of the printed bill, and being lines 44 to 63 both inclusive on page 4 of said bill, and insert in lieu thereof the following:

"(c) MAXIMUM FINANCIAL EFFORT DEFINED. WHEN CERTIFICATES OF INDEBTEDNESS MUST IS-

SUE FOR AID GIVEN.) In determining whether or not a school district has made the maximum financial effort mentioned above, it must appear: (1) That the district shall have levied for the fiscal year, at a millage rate equal to that produced by the average of the prior five year millage levy for that school district; provided however said levy need not exceed that specified as a maximum under the provisions of Section 2163a3 of the 1925 Supplement to the Compiled Laws of 1913; (2) that revenues from local taxes, and from state and county sources have been exhausted; (3) that all teachers in the schools in such district have been duly certified by the State Superintendent of Public Instruction and are under contract to receive not less than the minimum salary provided by law, and (4) that such district is unable to sell in the manner now provided by law its certificates of indebtedness in an amount sufficient to permit said district to maintain adequate school facilities. Each district, except as hereinafter provided, receiving aid under the provisions of this act, shall be required to issue a certificate of indebtedness equal in amount in each instance to the amount of the aid granted, payable to the State Equalization Fund, bearing interest at the rate of 4% per annum, due as the taxes pledged therefor are collected, and cause the same to be delivered to the State Treasurer. The certificates of indebtedness so issued shall be executed, certified and collected, and the payment thereof shall be secured, in the manner now provided by law for certificates of indebtedness issued by any municipality under the provisions of Sections 2079b1 to 2079b13 inclusive, of the 1925 Supplement to the Compiled Laws of 1913, and amendments thereto, but shall not be subject to the provisions of Chapter 50A of the 1925 Supplement to the Compiled Laws of 1913, dealing with advertisement for sale of certificates of indebtedness. Providing, however, that any district which is found by the Board to be unable under our Constitution or the laws of the state to issue certificates of indebtedness for any purpose shall not be required, to obtain aid under the provisions of this Act, to issue any certificate of indebtedness, and shall be granted aid, if otherwise entitled thereto, in the same manner that said aid may be granted to a district legally authorized to issue a certificate of indebtedness therefor. The State Treasurer shall report monthly to the State Superintendent of Public Instruction the certificates of indebtedness to him delivered under the provisions of this Act and all collections, if any, made on each of them and shall generally attend to the collection of the said certificates of indebtedness, and the amount so collected shall be converted into the said State Equalization Fund.

"No school district which has not complied with all of the terms of the definition of "Maximum Financial Effort" in this paragraph set forth, shall be entitled to any aid from said fund on the basis of need."

And when so amended recommend the same do pass.

C. W. FINE,  
Chairman.

Senator Fine moved that the amendments to House Bill No. 168 be printed in the Journal and not read.

Which motion prevailed.

Senator Fine moved that the report be adopted.

Which motion prevailed.

The Committee on Banks and Banking made the following report:

Mr. President: Your Committee on Banks and Banking to whom was referred House Bill No. 333, have had the same under consideration and recommend that the same do pass.

MAX H. STREHLOW,  
Chairman.

Senator Strehlow moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Elections made the following report:

Mr. President: Your Committee on Elections to whom was referred House Bill No. 336, have had the same under consideration and recommend that the same be amended as follows:

On line 6 of the title after the semicolon insert "providing for clerks of election".

On page 1 of the printed bill, Section 9, line 4, strike out the word "Wednesday" and insert in lieu thereof the word "Tuesday".

On page 3 of the printed bill following line 41 insert: "Section 2. ELECTION JUDGES AND CLERKS.) Each Judge of election hereafter named under the provisions of Chapter 136 Session Laws of 1937 shall appoint one clerk of election".

On page 2, Section 2, line 1, strike out the figure "2" and insert in lieu thereof the figure "3".

On page 2, Section 3, line 1, strike out the figure "3" and insert in lieu thereof the figure "4".

On page 2, Section 4, line 1, strike out the figure "4" and insert in lieu thereof the figure "5".

And when so amended recommend the same do pass.

E. F. MUTCHLER,  
Chairman.

Senator Crandall moved that the report be adopted, which motion prevailed and the report was adopted.

A minority of the Committee on Education made the following report:

Mr. President: A minority of your Committee on Education to whom was referred House Bill No. 349 have had the same

under consideration and recommend that the same be indefinitely postponed.

JOHN CRANDALL,  
E. F. MUTCHLER,  
G. F. DREW,  
TOM WHELAN.

A majority of the Committee on Education made the following report:

Mr. President: A majority of your Committee on Education to whom was referred House Bill No. 349 have had the same under consideration and recommend that the same do pass.

ANDREW SKARVOLD,  
R. M. STREIBEL,  
ED. LIAN,  
C. W. FINE,  
Chairman.

Senator Fine moved that the majority report be adopted.

Senator Mutchler moved, as a substitute motion; that the report of the minority be substituted for the report of the majority.

Roll call demanded and granted.

### ROLL CALL

The question being on the motion to adopt the minority report, the roll was called and there were ayes, 25; nays, 19; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Nelson, Barnes
Coffey	Guthrie	Nelson, Grand Fks.
Crandall	Kolpin	Topp
Drew	Kroeber	Trout
Ettestad	Lavik	Vinje
Fowler	Lowe	Watt
Fredrickson	Lynn	Whelan
Gilbertson	Mutchler	Young
Gronvold		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Bilden	Lian	Skarvold
Brostuen	Magoffin	Streibel
Fine	McGillic	Stucke
Greene	Morrison	Thorson
Johnson	Olson	Williams
Kamrath	Owings	Wog
Lemke		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Blaisdell	Hulteng	Thatcher
Cain	Strehlow	

So the minority report was adopted.

Senator Watt moved that the vote by which House Bill No. 349 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

#### MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 3, 1937.

Mr. Speaker: I have the honor to return:

House Bill No. 203. A Bill for an Act to Amend and Re-enact Section 201 of the 1935 Session Laws Relating to Limiting the Hours of Employment of Municipal Employees, Fixing the Penalty for Violation Thereof, and Repealing All Acts and Parts of Acts in Conflict Therewith, and Declaring an Emergency.

Which the Senate has amended as shown on page 1189 of the Senate Journal and further amended on page 1237 of said Journal.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
March 3, 1937.

Mr. Speaker: I have the honor to return:

House Bill No. 191. A Bill for an Act Granting to the Bank of North Dakota Power to Make Loans in Aid to Industry.

Which the Senate has amended as shown on page 1128 of the Senate Journal.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
March 3, 1937.

Mr. Speaker: I have the honor to return:

House Bill No. 160. A Bill for an Act Amending and Re-enacting Chapter 242 of the 1931 Session Laws of the State of North Dakota; Defining High Schools and Schools Doing



High School Work, and Providing That Superintendent of Public Instruction Shall Provide State Course of Study for High Schools as Herein Defined.

Which the Senate has amended as shown on page 1241 of the Senate Journal.

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### REPORTS OF STANDING COMMITTEES

A minority of the Committee on Education made the following report:

Mr. President: A minority of your Committee on Education to whom was referred House Bill No. 354, have had the same under consideration and recommend that the same be indefinitely postponed.

TOM WHELAN,  
G. F. DREW,  
E. F. MUTCHLER,  
R. M. STREIBEL,  
W. J. TROUT.

A majority of the Committee on Education made the following report:

Mr. President: A majority of your Committee on Education to whom was referred House Bill No. 354, have had the same under consideration and recommend that the same be amended as follows:

In Section 1, line 1, of the printed bill, delete the word "common".

In Section 1, line 4 of the printed bill, strike out the following words "respective schools" and insert in lieu thereof the following language: "eight lower grades".

And when so amended, recommend that the same do pass.

ED. LIAN,  
JOHN CRANDALL,  
ANDREW SKARVOLD,  
E. MAGOFFIN,  
SYVER VINJE,  
C. W. FINE,  
Chairman.

Senator Lian moved that the majority report be adopted.

Senator Streibel moved, as a substitute motion, that the report of the minority be substituted for the report of the majority, which motion prevailed, and House Bill No. 354 was indefinitely postponed.

A minority of the Committee on Appropriations made the following report:

Mr. President: A minority of your Committee on Appropriations to whom was referred House Bill No. 297 have had the same under consideration and recommend that the same do pass.

ED. GREENE,  
R. M. STREIBEL,  
HERMAN THORSON,  
SYVER VINJE,  
E. C. STUCKE,  
B. W. LEMKE.

A majority of the Committee on Appropriations made the following report:

Mr. President: A majority of your Committee on Appropriations to whom was referred House Bill No. 297, have had the same under consideration and recommend that the same be indefinitely postponed.

WM. WATT,  
MILTON R. YOUNG,  
OTTO TOPP,  
HANK WILLIAMS,  
F. T. GRONVOLD,  
J. K. BROSTUEN,  
WM. J. LOWE.

Senator Watt moved that the majority report be adopted.

Senator Greene moved, as a substitute motion, that the report of the minority be substituted for the report of the majority.

Roll call demanded and granted.

#### ROLL CALL

The question being on the motion to adopt the minority report on House Bill No. 297, the roll was called and there were ayes, 23; nays, 24; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Kolpin	Owings
Blaisdell	Lemke	Skarvold
Cain	Lynn	Strehlow
Fine	McGillic	Streibel
Gilbertson	Morrison	Stucke
Greene	Mutchler	Thorson
Guthrie	Nelson, Barnes	Vinje
Kamrath	Olson	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Gronvold	Nelson, Grand Fks.
Brostuen	Guenther	Topp
Coffey	Johnson	Trout
Crandall	Kroeber	Watt

Messrs.	Messrs.	Messrs.
Drew	Lavik	Whelan
Ettestad	Lian	Williams
Fowler	Lowe	Wog
Fredrickson	Magoffin	Young

Absent and not voting:

Messrs.	Messrs.
Hulteng	Thatcher

So the motion was lost.

The question being on the motion to adopt the majority report, the motion prevailed, the report was adopted and House Bill No. 297 was indefinitely postponed.

Senator Watt moved that the vote by which House Bill No. 297 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table.

Roll call demanded and granted.

The question being on the motion of Senator Watt, the roll was called and there were ayes, 22; nays, 25; absent and not voting, 2.

### ROLL CALL

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Topp
Brostuen	Kroeber	Trout
Coffey	Lavik	Watt
Crandall	Lian	Whelan
Drew	Magoffin	Williams
Fowler	Nelson, Grand Fks	Wog
Gronvold	Strehlow	Young
Guenther		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Bilden	Kamrath	Nelson, Barnes
Blaisdell	Kolpin	Olson
Cain	Lemke	Owings
Ettestad	Lowe	Skarvold
Fine	Lynn	Streibel
Fredrickson	McGillic	Stucke
Gilbertson	Morrison	Thorson
Greene	Mutchler	Vinje
Guthrie		

Absent and not voting:

Messrs.	Messrs.
Hulteng	Thatcher

So the motion lost.

The Committee on Agriculture and Livestock made the following report:

Mr. President: Your Committee on Agriculture and Live-stock to whom was referred House Concurrent Resolution A-1, have had the same under consideration and recommend that the same be adopted.

HERMAN THORSON,  
Chairman.

Senator Thorson moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Thorson moved that the rules be suspended, and that House Concurrent Resolution A-1, relating to production of alcohol for blending purposes, be adopted.

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. 40, Senate Bill No. 179, Senate Bill No. 212, Senate Bill No. 248, Senate Bill No. 15, Senate Bill No. 16 and Senate Bill No. 22.

And find the same correctly enrolled.

WILLIAM KROEBER,  
Chairman.

Senator Kroeber moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Guthrie moved that the Senate reconsider the vote by which House Bill No. 133 was indefinitely postponed.

Which motion prevailed.

Senator Guthrie moved that House Bill No. 133 be placed upon second reading and final passage.

Which motion prevailed.

Senator Guthrie moved that the House be requested to return House Bill No. 133 to the Senate.

Which motion prevailed.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 3, 1937.

Mr. Speaker: I have the honor to inform you that the Senate requests the return of House Bill No. 133.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senator Williams introduced:

SENATE CONCURRENT RESOLUTION "X," Calling on the State Historical Society to take such action as may be necessary to establish a state park near Epping and construct suitable improvements thereon, etc.

Which was read the first time.

Senator Williams moved that the rules be suspended and the resolution adopted.

Which motion prevailed.

Senators Whelan, Brostuen, Thorson and Gilbertson introduced:

SENATE CONCURRENT RESOLUTION "Y," Urging Congress to pass necessary legislation to provide for sufficient toll charges for use of Panama Canal facilities so there would be no deficit.

Which was read the first time.

Senator Brostuen moved that the rules be suspended and the resolution adopted.

Which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No 353. A Bill for an Act Making an Emergency Appropriation to Provide for Aid for Livestock Feeds for Farmers in Drouth Stricken Counties of This State; Providing for the Distribution of This Appropriation by the Public Welfare Board; 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, 46; nays, 0; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Olson
Bilden	Kamrath	Owings
Brostuen	Kolpin	Skarvold
Cain	Kroeber	Strehlow
Coffey	Lavik	Streibel
Crandall	Lemke	Stucke
Drew	Lian	Thorson
Ettestad	Lowe	Topp
Fine	Lynn	Trout
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young
Guthrie		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Blaisdell	Hulteng	Thatcher

So the bill passed, the title was agreed to, and the emergency clause was declared carried.

Senator Brostuen moved that the vote by which House Bill No. 353 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Mr. Fowler: Mr. President:—I wish to explain my vote. Notwithstanding I am firmly convinced that this bill, as amended, is clearly unconstitutional under article 185 of the constitution and notwithstanding the fact that the loans to farmers provided for in this act will be made entirely to farmers residing in the western part of the state and will be of no direct benefit to the eastern part of the state which will have to bear the major part of the burden of paying the taxes levied to pay the \$225,000 appropriated by the act, nevertheless; by reason of the seriousness of the livestock feed situation in a number of the western counties, I vote "aye" on the bill.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 3, 1937.

Mr. Speaker: I have the honor to return

House Bill No 353. A Bill for an Act Making an Emergency Appropriation to Provide for Aid for Livestock Feeds for Farmers in Drouth Stricken Counties of This State; Providing for the Distribution of This Appropriation by the Public Welfare Board; and Declaring an Emergency.

Which the Senate has amended as shown on page 1321 of the Senate Journal.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senator Williams requested that the Senate return to the 7th order of business.

Which request was granted.

Senator Williams moved that the Senate reconsider the vote by which the House amendments to Senate Bill No. 70 were adopted.

Senator McGillic moved as a substitute motion that further consideration of Senate Bill No. 70 be deferred one legislative day.

Which motion lost.

The question being on the motion of Senator Williams for reconsideration of the vote by which the Senate concurred in the House amendments to Senate Bill No. 70, Senator Fowler moved, as a substitute motion, that Senate Bill No. 70 be considered properly re-engrossed and placed upon second reading and final passage.

Roll call demanded and granted.

#### ROLL CALL

The question being on the motion to consider Senate Bill No. 70 properly re-engrossed and placed on second reading and final passage, the roll was called and there were ayes, 11; nays, 36; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Cain	Gronvold	Vinje
Crandall	Lynn	Watt
Fowler	Mutchler	Whelan
Fredrickson	Nelson, Barnes	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Olson
Bilden	Kamrath	Owings
Blaisdell	Kolpin	Skarvold
Brostuen	Kroeber	Strehlow
Coffey	Lavik	Streibel
Drew	Lemke	Stucke
Ettestad	Lian	Thorson
Fine	Lowe	Topp
Gilbertson	Magoffin	Trout
Greene	McGillic	Williams
Guenther	Morrison	Wog
Guthrie	Nelson, Grand Fks.	Young

Absent and not voting:

Messrs.	Messrs.
Hulteng	Thatcher

So the motion lost.

The question being on the motion of Senator Williams for reconsideration, the motion prevailed.

Senator Brostuen moved that the Senate do not concur in the House amendments to Senate Bill No. 70 and that a conference committee be appointed.

Roll call demanded and granted.

#### ROLL CALL

The question being on the motion that the Senate do not concur in the House amendments to Senate Bill No. 70, the roll was called and there were ayes, 23; nays, 23; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Kroeber	Streibel
Brostuen	Lavik	Stucke
Ettestad	Lemke	Thorson
Fine	Magoffin	Trout
Greene	Morrison	Williams
Johnson	Olson	Wog
Kamrath	Owings	Young
Kolpin	Skarvold	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Gilbertson	Nelson, Barnes
Blaisdell	Gronvold	Nelson, Grand Fks.
Cain	Guenther	Strehlow
Coffey	Guthrie	Topp
Crandall	Lowe	Vinje
Drew	Lynn	Watt
Fowler	McGillic	Whelan
Fredrickson	Mutchler	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Hulteng	Lian	Thatcher

So the President voting "aye" the motion was declared carried.

Senator Lian moved that the Senate do now recess for 15 minutes.

Which motion prevailed.

The Senate reconvened pursuant to recess taken.

Senator Brostuen moved that a Conference Committee be appointed to confer with a like committee from the House on Senate Bill No. 70.

Which motion prevailed.

#### REPORT OF SELECT COMMITTEE

The Conference Committee on Senate Bills No. 29, 30, 31, 32, 81, 104, made the following report:

Mr. President: Your Conference Committee on Appropriations to whom was referred Senate Bills No. 29, 30, 31, 32, 81, 104, have had the same under consideration and report that we are unable to agree and beg leave to be discharged.

For the Senate:

WM. J. LOWE,  
G. W. KOLPIN,  
E. C. STUCKE.

For the House:

ARLO E. BEGGS,  
EARL D. SYMINGTON,  
J. M. THOMPSON.



Senator Lowe moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Magoffin moved that the Senate reconsider the vote by which the Senate refused to concur in the House amendments to Senate Bill No. 70.

Roll call demanded and granted.

**ROLL CALL**

The question being on the motion to reconsider the vote by which the Senate refused to concur in the House amendments to Senate Bill No. 70, the roll was called and the were ayes, 23; nays, 22; absent and not voting, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Gilbertson	Magoffin
Blaisdell	Gronvold	McGillic
Cain	Guenther	Strehlow
Coffey	Guthrie	Topp
Crandall	Kroeber	Vinje
Drew	Lian	Watt
Fowler	Lowe	Whelan
Fredrickson	Lynn	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Bilden	Lavik	Streibel
Brostuen	Lemke	Stucke
Ettestad	Morrison	Thorson
Fine	Nelson, Barnes	Trout
Greene	Olson	Williams
Johnson	Owings	Wog
Kamrath	Skarvold	Young
Kolpin		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Hulteng	Nelson, Grand Fks.	Thatcher
Mutchler		

So the motion prevailed.

Senator Watt moved that House Bill No. 45 be placed on Second Reading and Final Passage, as amended.

Which motion prevailed.

**SECOND READING OF HOUSE BILLS**

House Bill No. 45. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items of the School for the Deaf at Devils Lake, North Dakota.

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, 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Olson
Bilden	Kamrath	Owings
Blaisdell	Kolpin	Skarvold
Brostuen	Kroeber	Strehlow
Cain	Lavik	Streibel
Coffey	Lemke	Stucke
Crandall	Lian	Thorson
Drew	Lowe	Topp
Ettestad	Lynn	Vinje
Fowler	Magoffin	Watt
Gilbertson	McGillic	Whelan
Greene	Morrison	Williams
Gronvold	Mutchler	Wog
Guenther	Nelson, Barnes	Young
Guthrie		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fine	Hulteng	Thatcher
Fredrickson	Nelson, Grand Fks.	Trout

So the bill passed and the title was agreed to.

## MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
March 3, 1937.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to House Bill No. 291.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 3, 1937.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to House Bill No. 203.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 3, 1937.

Mr. President: I have the honor to inform you that the House has adopted the report of the Conference Committee on House Bill No. 45.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 3, 1937.

Mr. President: I have the honor to inform you that the House has not concurred in the Senate amendment to House Bill No. 160 and the Speaker has appointed as a Conference Committee Representatives Schauss, Solberg and McInnes.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

Senator Guthrie moved that House Bill No. 198 be placed at the foot of the calendar.

Which motion lost.

Senator Fine requested that the Senate return to the Seventh Order of Business.

Which request was granted.

Senator Fine moved that the President appoint a Conference Committee to confer with a like Committee from the House on House Bill No. 160.

Which motion prevailed.

Senator Thatcher moved that the report of the Railroad Commission, prepared in response to Senate Resolution "K" adopted by the 24th Legislative Assembly, be printed in the Journal.

Which motion prevailed.

To the Honorable Legislative Assembly of the State of North Dakota, Twenty-fifth Session:

Senate Resolution "K" (See page 469, Session Laws of North Dakota for the year 1935) is as follows:

"Senate Resolution "K"—(Thatcher).

**"INVESTIGATION EXORBITANT FEES, LIGHT, HEAT,  
POWER AND GAS COMPANIES**

"Whereas, some of the light, heat, power and gas companies operating in this state are alleged to be charging exorbitant fees, and

"Whereas, some of them are allegedly refusing to extend service sufficiently to accommodate would-be customers, and

"Whereas, it is believed that some of the charges made for connection for city and farm homes are out of all reason, and

"Whereas, it is charged that the services rendered in instances are unsatisfactory, and

"Whereas, it is charged that the stock of these various corporations is watered,

"Now, Therefore, Be It Resolved, that the Board of Railroad Commissioners of this State of North Dakota are hereby authorized and directed to make a full, complete and exhaustive investigation of the above charges and that they report in writing to the next session of the legislature, either regular, or a special session if there is one, and that they embody in said report, if they find such charges to be true, recommendations as to the best method of securing justice for the people of the State of North Dakota from the utilities and further that they report what the approximate cost will be of the State of North Dakota buying the said utilities outright and whether, in their opinion, it would be advisable to do so.

"Filed March 15, 1935."

Pursuant to such resolution, permit us to respectfully report on such resolution by considering each paragraph of the resolution separately.

#### PARAGRAPH 1 OF THE RESOLUTION

"Whereas, some of the light, heat, power and gas companies operating in this state are alleged to be charging exorbitant fees, and"

Although it appeared from the examination of the annual reports, filed by the various utilities operating in the State of North Dakota, that according to the book value, as reported and stated by the utilities some of the utilities were charging excessive rates. Others were not. The Commission has investigated and adjusted the rates of the companies that appeared to be receiving the highest rate of return. It is true that in the past some companies have charged excessive rates, but definite measures have been taken to correct such a situation.

The rate reductions by reason of the valuations and hearings and negotiations, heretofore mentioned, have resulted in rate reductions per annum in the City of Fargo.....\$122,000  
 In the City of Grand Forks..... 62,000  
 In the City of Minot (Electric and Steam)..... 53,750  
 In the City of Minot (Telephone) ..... 9,000

\$246,750

In addition to these reductions, this Commission, by reason

of the provisions of Chapter 220 of the Session Laws of 1933, made the final rates fixed retroactive to the date of the order for investigation. In the Cities of Minot and Fargo there was refunded to the patrons and users in the City of Minot the sum of \$82,000, and in the City of Fargo the sum of \$79,000. A slightly different situation existed in Grand Forks for the reason that this investigation was not conducted under Chapter 220, and the cash refund could not be made retroactive further than the date of the Commission's final order. The refund, however, given to the citizens of Grand Forks was the sum of \$42,000.

The Engineering and Accounting staff have also practically completed a valuation and audit of thirty-five towns in the North Dakota Power and Light system, and twenty-three towns located in North Dakota of the Northern Power and Light Company.

In line with this report we respectfully refer to pages 17 to 19 of our Forty-fifth and Forty-sixth Annual Report to the Governor for the Biennial Period ending June 30, 1936. This gives a resume of our work; shows the savings that have resulted to the consumers and gives other statistical data concerning our activities in the public utility field. These reports have been printed and we are submitting a copy of such report with this report and will make available to each member of the Legislature copies thereof, so we believe that it would be useless repetition to embody that portion of our Biennial Report in this report.

#### PARAGRAPHS 2 AND 3 OF THE RESOLUTION

"Whereas, some of them are allegedly refusing to extend service sufficiently to accommodate would-be customers, and

"Whereas, it is alleged that some of the charges made for connection for city and farm homes are out of all reason, and"

These two paragraphs are so intimately related and interwoven, and undoubtedly refer to the same thing, being that of service extensions, urban, suburban and rural, that we are combining our report thereon, as follows:

This Commission has incorporated in its Standards for Electric Service rules governing service extensions. The Commission has, in a great many instances, greatly liberalized the terms of such rule. We do not believe that any rule can be promulgated that will exactly fit every occasion; for that reason, certain latitudes must be allowed. At the present time, we are inclined to believe that to comply with the spirit and intention of the various franchises as granted by various cities and villages, a utility is obligated to render service, without charge to the patrons for extensions, to all those residing within the corporate area as defined in the franchise.

The Rural Electrification Administration has been making quite an extended study on the subject of rural line costs

and rural service charges. We have in mind at this time, of carrying out a program which we hope will bring about a co-operative proceeding between the Commission and the Rural Electrification Administration in order that we may combine our efforts and that we may take advantage of data and information secured by that body. It is our desire to bring about a uniformity in rural extension, both as to installation costs and rates. The Commission plans to hold a state-wide investigation for the purpose of establishing uniform rules and charges for extensions of service connections of public utilities, both city and rural, and uniform rules for standards of service.

#### PARAGRAPH 4 OF THE RESOLUTION

"Whereas, it is charged that the services rendered in instances are unsatisfactory, and"

This relates to standards of service.

This Commission has required from the operating utilities within the State a certain standard of service to be maintained. Whenever we feel that a public utility is negligent in its obligation to its consumers in this matter, we immediately order such utility to bring about the necessary remedial measures. It is obviously impossible to completely police every electric utility in every location in the State. We must, therefore, have the indulgence and the cooperation of the citizenry we represent in order to adequately and successfully carry on the regulatory functions as are prescribed by law and the Commission's rules and regulations. In order that we may correct errors, matters of negligence or anything that is below the required standards of service, we must be specifically informed as to its location and nature. We have ample power and authority to require the correction of any violation of service requirements and we will not hesitate to use such, when and where necessary.

#### PARAGRAPH 5 OF THE RESOLUTION

"Whereas, it is charged that the stock of these various corporations is watered,"

One of the great fallacies that seems ever to be present in general public opinion is that watered stock of utilities results in higher rates to consumers.

We assume that this paragraph refers to the general capitalization of the utilities in question. If there is an inflation of such capitalization it cannot be reflected in the rates that consumers pay. This capitalization is the total amount of stocks, bonds and other corporate securities which the utility issues. This capitalization is quite different from the original cost. It is different from the present fair value. In theory capitalization and original cost should be fairly close together, but as to present fair value there should be a spread between capitalization and present fair value. Time after time the Federal Courts and our Commission have held that the present fair value must be the basis for fixing

rates. Our statutes specifically prescribe that the Commission shall "determine the value of the property of every public utility used and useful for the service and convenience of the public." In compliance with this law, the Commission has directed its Engineering Department to make detailed inventories and appraisals of the physical property only in establishing valuations.

However, the fact that a utility may be overcapitalized is extremely reprehensible in that it deceives the investor and eventually tends to ruin the company financially, as too great interest and dividend demands are made on the earnings of the company.

Furthermore, the write-ups of valuations insofar as they attempt to enhance book value or original cost are being thoroughly investigated by the United States Federal Power Commission and Securities and Exchange Commission.

**APPROXIMATE COST TO THE STATE OF NORTH DAKOTA BUYING THE UTILITIES OUTRIGHT AND ADVISABILITY OF SO DOING.**

The advisability of buying the utilities outright naturally depends upon what the approximate cost, purchase price, would be to the State. Our report shows that at the present time, for the reasons stated herein, we are unable to state what the valuation of the utilities would be for valuation purposes. You will note that the electric utilities have placed a book value on their properties for rate making purposes of .....

..... \$23,636,014.89  
(For plants and equipment within the State)

Gas utilities valuation for rate making purposes... 6,769,291.91  
(For plants and equipment within the State)

Steam heat utilities valuation for rate making purposes ..... 494,894.91  
(For plants and equipment within the State)

\$30,900,201.71

The electric utilities operating in North Dakota have invested in physical assets in the neighborhood of twenty-three and one-half millions of dollars. There are nine major companies furnishing electric service in this State. Each company has, of course, its own system developed to suit the requirements of the territory served. These systems, as they now exist, extend into the adjoining states, necessitating a certain amount of interexchange of power. These several utilities have in a measure certain common standards of construction and certain similar methods of operation. However, these companies also have several variances as to production and operation methods and of system design in general. Since 1915 there has been constructed in North Dakota 4,271 miles of transmission line. The greater portion of which has come in since 1925. The electrical systems serving the State have all been developed as they now exist in the last ten years and it is safe to say that the majority of the property incorporated in these systems is less than ten years old. It is quite

common knowledge that when these systems were developed these companies purchased the various small isolated electric line plants then serving the territory. Generally speaking, the physical property purchased had practically outlived its usefulness at the time of purchase. It was, therefore, necessary that the purchasing company scrap most of the property purchased and build a new system. In facing a fair value for rate making purposes, this Commission only considers the now existing property.

Should the State of North Dakota go into the business of supplying electric service to all its inhabitants the engineering design of such a project would materially differ from that of the various privately owned systems that we now have. To be more specific it would necessitate, in order to secure adequate, efficient and economic service, the construction of several large generating stations, each of which should be greater in capacity than any of the existing stations. These stations should be located not only geographically and according to population, but to take the advantage of low fuel cost, the base load stations in all practical ability should be located adjacent to a coal and water supply. These stations should be connected by high voltage transmission lines. This line should be of greater size and capacity than any line now existing in the State. From this high voltage loop there should be constructed the various low voltage feeders to serve the various towns and rural areas.

It can be readily seen that there are several complications involved in a proceeding or rather a project of this matter. The first is that private industry and private investment will be supplanted. This, of course, would involve no small amount of litigation. Examples of this may be seen in the T.V.A. territory. The second difficulty to overcome and a very serious one is that even though the State were able to take over the property as it now exists there would be the expense of scrapping or retiring large portions of property which are less than ten years old, and have an expected service life from twenty to thirty years. Such a procedure would be expensive to the rate payer regardless of ownership. Another matter for consideration in connection herewith is that the Commission has fixed six per cent per annum on valuation as near as practicable, as a reasonable rate of return, and ordered no increase even though the rate of return was as low as 4.55 per cent per annum.

The question of the State purchasing, owning and operating the electrical industries is a gigantic problem surrounded by uncertainties and full of complications. An answer or a solution to such a problem cannot be brought about without considerable study, investigation and expense.

This question is so legislative in its character and requires consideration of so many economic, social and political theories, outside the realm of the duties of the Board of Railroad Commissioners, that we must respectfully ask the Legislature to excuse us from rendering an opinion on such economic, social and political problem.



Dated at Bismarek, North Dakota, this 6th day of February, 1937.

Respectfully submitted,

By the Commission:

BEN C. LARKIN,  
President;

ELMER W. CART,  
Commissioner;

S. S. McDONALD,  
Commissioner.

Attest:

ELMER OLSON,  
Secretary.

Senator Cain moved that the Senate reconsider the vote by which House Bill No. 319 was passed.

Which motion prevailed.

Senator Cain moved that House Bill No. 319 be placed at the foot of the Calendar.

Which motion prevailed.

#### SECOND READING OF HOUSE BILLS

House Bill No. 198. A Bill for an Act Making an Appropriation to Be Expended in Providing Public Assistance to the Needy Aged, the Needy Blind, and to Dependent Children, and in Providing Child Welfare Services in Coordination With and Supplementary to Funds Made Available for Like Purposes in North Dakota by the Federal Government; Defining the Powers and Duties of the Public Welfare Board in Relation Thereto; Repealing All Acts and Parts of Acts in Conflict With This Act; and Declaring an Emergency.

Was read the second time.

Senator Cain moved that House Bill No. 198 be amended as follows:

Following the title of the engrossed bill insert the following: "Be it enacted by the Legislative Assembly of the State of North Dakota:

Which motion prevailed.

Senator Cain moved that the rules be suspended and House Bill No. 198 be placed upon Second Reading and Final Passage, as amended.

Which motion prevailed.

#### ROLL CALL

The question being on the final passage of House Bill No.

198, as amended, the roll was called and there were ayes, 48; nays, 0; absent and not voting, 1.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Johnson	Owings
Blaisdell	Kamrath	Skarvold
Brostuen	Koipin	Strehlow
Cain	Kroeber	Streibel
Coffey	Lavik	Stucke
Crandall	Lemke	Thatcher
Drew	Lian	Thorson
Ettestad	Lowe	Topp
Fine	Lynn	Trout
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young

Absent and not voting:

Messrs.  
Hulteng

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Senator Brostuen moved that the vote by which House Bill No. 198 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 199. A Bill for an Act Making an Appropriation for Relief to Destitute and Necessitous Persons, Defining the Powers and Duties of the Public Welfare Board in Relation Thereto; Providing for Allocation of Funds to Counties for Relief Purposes; Repealing All Acts and Parts of Acts in Conflict With This Act; and Declaring an Emergency.

Was read the second time.

Senator Fowler moved that House Bill No. 199 be amended as follows:

Following the title of the engrossed bill insert enactment clause as follows: "Be it enacted by the Legislative Assembly of the State of North Dakota:"

Which motion prevailed.

Senator Fowler moved that the rules be suspended and House Bill No. 199 be placed upon Second Reading and Final Passage, as amended.

Which motion prevailed.

## ROLL CALL

The question being on the final passage of House Bill No. 199, as amended, the roll was called and there were ayes, 47; nays, 0; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Johnson	Owings
Blaisdell	Kamrath	Skarvold
Brostuen	Kolpin	Strehlow
Cain	Kroeber	Streibel
Coffey	Lavik	Stucke
Crandall	Lemke	Thorson
Drew	Lian	Topp
Ettestad	Lowe	Trout
Fine	Lynn	Vinje
Fowler	Magoffin	Watt
Fredrickson	McGillic	Whelan
Gilbertson	Morrison	Williams
Greene	Mutchler	Wog
Gronvold	Nelson, Barnes	Young
Guenther	Nelson, Grand Fks.	

Absent and not voting:

Messrs.	Messrs.
Hulteng	Thatcher

So the bill passed, the title was agreed to, and the emergency clause declared carried.

Senator Brostuen moved that the vote by which House Bill No. 199 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The President called the President pro tem, Senator Wog to the chair.

House Bill No. 292. A Bill for an Act Providing for the Allowance of a Portion of the Cost of Planting and Growing Forest Trees as a Bounty Therefor, and Prescribing the Duties of the Assessor in Connection Therewith; Repealing All Acts in Conflict Herewith; 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, 41; nays, 3; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Olson
Bilden	Kolpin	Skarvold

Messrs.	Messrs.	Messrs.
Blaisdell	Kroeber	Strehlow
Brostuen	Lavik	Stucke
Cain	Lemke	Thorson
Coffey	Lian	Topp
Drew	Lowe	Trout
Ettestad	Lynn	Vinje
Fowler	Magoffin	Watt
Fredrickson	McGillic	Whelan
Greene	Morrison	Williams
Gronvold	Mutchler	Wog
Guthrie	Nelson, Barnes	Young
Johnson	Nelson, Grand Fks.	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Guenther	Owings	Streibel

Absent and not voting:

Messrs.	Messrs.	Messrs.
Crandall	Gilbertson	Thatcher
Fine	Hulteng	

So the bill passed and the title agreed to, and the emergency clause was declared carried.

Senator Fredrickson moved that the vote by which House Bill No. 292 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 322. A Bill for an Act Abolishing the Agricultural Experiment Station Near Hettinger, Adams County, and Providing for Conveyance of Land Where Located and Improvements Thereon to the City of Hettinger Under Certain Conditions, Repealing Sections 1643 and 1644 of the Compiled Laws of North Dakota, 1913, 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, 44; nays, 0; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Owings
Bilden	Kamrath	Skarvold
Blaisdell	Kolpin	Strehlow
Brostuen	Kroeber	Streibel
Cain	Lavik	Stucke
Coffey	Lemke	Thorson
Crandall	Lian	Topp
Drew	Lowe	Trout
Ettestad	Lynn	Vinje

Messrs.	Messrs.	Messrs.
Fowler	Magoffin	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young
Guthrie	Olson	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fine	Hulteng	Thatcher
Fredrickson	McGillic	

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

House Bill No. 326. A Bill for an Act to Provide for the Collection, Arrangement and Display of the Products and Resources of the State of North Dakota at the New York World's Fair in 1939.

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, 27; nays, 19; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Guthrie	Morrison
Blaisdell	Johnson	Nelson, Barnes
Cain	Kamrath	Nelson, Grand Fks.
Coffey	Lavik	Owings
Crandall	Lian	Streibel
Fine	Lowe	Thorson
Fowler	Lynn	Topp
Fredrickson	Magoffin	Whelan
Guenther	McGillic	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Kolpin	Stucke
Brostuen	Lemke	Trout
Drew	Mutchler	Vinje
Ettestad	Olson	Watt
Gilbertson	Skarvold	Williams
Greene	Strehlow	Wog
Gronvold		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Hulteng	Kroeber	Thatcher

So the bill passed and the title was agreed to.

## MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 3, 1937.

Mr. Speaker: I have the honor to return:

House Bill No. 199. A Bill for an Act Making an Appropriation for Relief to Destitute and Necessitous Persons, Defining the Powers and Duties of the Public Welfare Board in Relation Thereto; Providing for Allocation of Funds to Counties for Relief Purposes; Repealing All Acts and Parts of Acts in Conflict With This Act; and Declaring an Emergency.

Which the Senate has amended as follows:

Following the title of bill insert the following: "Be it enacted by the Legislative Assembly of the State of North Dakota."

Also, strike out all of Section 4, and insert the following in lieu thereof: "Section 4. Whenever during the biennium ending June 30, 1937, or the biennium ending June 30, 1939, the balance remaining in the State Public Welfare Fund shall prove insufficient to meet the requirements for relief, the State Board of Equalization of North Dakota is hereby authorized and directed to make a levy sufficient to make up such deficiency, and to make a transfer of the amount so levied from the General Fund of the State, to the State Public Welfare Fund; but the levy and transfer so authorized and directed to be made shall in no case exceed the total sum appropriated by Section 5 of this act, to the State Public Welfare Fund."

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
March 3, 1937.

Mr. Speaker: I have the honor to return:

House Bill No. 292. A Bill for an Act Providing for the Allowance of a Portion of the Cost of Planting and Growing Forest Trees as a Bounty Therefor, and Prescribing the Duties of the Assessor in Connection Therewith; Repealing All Acts in Conflict Herewith; and Declaring an Emergency.

Which the Senate has amended as follows:

In Section 3, lines 2 and 3 of the engrossed bill, strike out the following language: "next after expiration of one year."

Very respectfully,

THOMAS McDONALD,  
Secretary.

## SECOND READING OF HOUSE BILLS

House Bill No. 360. A Bill for an Act to Amend and Re-enact Section 6 of Chapter 172 of the Session Laws of North Dakota for the Year 1935, Being an Act to Impose a Tax Upon the Sale of Motor Vehicle Fuels; Providing for the Collection of Said Tax, for Reports of Sales of Such Motor Fuels, and for the Disposition of the Revenue Derived Therefrom; Providing for the Licensing and Bonding of Dealers in Motor Vehicle Fuels and the Revocation of Such License; Regulating the Sale of Such Fuels and Fixing Penalties for the Violation of This Act. Repealing All Acts or Parts of Acts in Conflict With the Provisions of This Act.

Was read the second time.

Sénator Fowler moved that House Bill No. 360 be amended as follows:

Strike out everything after the words: "A Bill" and insert the following:

"For an Act to Amend and Re-enact Section 2 and Section 6 of Chapter 172 of the Session Laws of North Dakota for the Year 1935, Being an Act to Impose a Tax Upon the Sale of Motor Vehicle Fuels; Providing for the Collection of Said Tax, for Reports of Sales of Such Motor Fuels, and for the Disposition of the Revenues Derived Therefrom; Providing for the Licensing and Bonding of Dealers in Motor Vehicle Fuels and the Revocation of Such License; Regulating the Sale of Such Fuels and Fixing Penalties for the Violation of This Act; Repealing All Acts or Parts of Acts in Conflict With the Provisions of This Act, and Declaring an Emergency.

"Be It Enacted by the Legislative Assembly of the State of North Dakota:

"Section 1. AMENDMENT.) That Section 2 and Section 6 of Chapter 172 of the Session Laws of North Dakota for the year 1935 be and the same is hereby amended and re-enacted to read as follows:

"Section 2. That each and every dealer in motor vehicle fuel, as defined in this act, who is now engaged, or who may hereafter engage in his own name, or in the name of others, or in the name of his representative or agents, in this State, in the sale or use of motor vehicle fuel as herein defined, shall, not later than the 15th day of each calendar month render to the State Auditor, on forms prescribed, prepared, and furnished by the State Auditor, a sworn statement of the number of gallons of motor vehicle fuel sold or used by him or them during the preceding calendar month, which statement shall be sworn to by one of the principal officers, in case of domestic corporation; or by the resident general agent, or agents, or attorney-in-fact, or by a chief accountant or officer in case of a foreign corporation; by the managing agent or owner in case of a firm, association or individual; and shall contain a statement of the quantities of motor vehicle fuel sold or used within the State of North Dakota from his or their respective places of business, and

if any of such motor vehicle fuel has been sold and delivered by said dealer to customers in the original package, whether in tank cars, barrels or other packages and in the same form and condition in which the same was imported, said statement shall show the amount of motor vehicle fuel so sold and the names and addresses of the persons, firm or corporations to whom the same was sold.

“Said dealer shall pay a license tax of three cents per gallon on all motor vehicle fuel used and sold by him, other than such fuel sold by him or them, in the original packages as above specified, or such fuels as meet the specifications for Class 1, Household Gasoline (Aviation, Fighting Grade) unless said Class 1 Gasoline be sold or used for operation propelling motor vehicles on any public highway, and shall have the option of paying said tax of three cents per gallon on all motor vehicle fuel sold by him or them, in the State, in the original packages in which the same was imported as above specified.

“Whenever any sale is made by a dealer of motor vehicle fuel in the original packages in which the same was imported as above specified, such dealer shall deliver to the purchaser thereof an invoice of such motor vehicle fuel, stating the name and address of the purchaser, the quantity and kind of fuel sold, and whether or not said dealer assumes and agrees to pay the license tax on said fuel above specified and such dealer shall transmit to the State Auditor at the same time he shall render the statement above specified, duplicate copies of all such invoices issued and delivered by him during the period covered by such statement. (Laws 1929, Chapter 166).

“Section 6. That any person or persons, firm or corporation who shall buy or use any motor vehicle fuel as defined in this Act, for the purpose of operating and propelling stationary gas engines, tractors used for agricultural purposes, motor boats, airplanes or aircraft, or who shall purchase or use any of such fuel for lighting, heating, cleaning or dyeing or other commercial use of the same, except motor vehicles operated or capable of being operated upon any of the public highways or streets in this State, on which motor fuel tax imposed by this Act has been paid; shall be reimbursed and repaid the amount of such tax paid by him on presentation to the State Tax Commissioner, on a form prescribed by the State Tax Commissioner, of a sworn statement setting forth the total amount of such fuel purchased and used by such consumer, other than in motor vehicles operated or capable of being operated upon any of the public highways or streets in the State of North Dakota, and the purpose for which said motor fuel upon which he claims exemption from said tax was used, and such other information as the State Tax Commissioner shall require, and the State Tax Commissioner, upon the presentation of such sworn statement, together with the invoice or ticket hereinbefore provided and motor vehicle fuel tax paid, shall audit such claims for refunds and prepare, in duplicate, an abstract showing the claim number, the name, address and amount due each claimant, and shall certify to the State Auditor within fifteen days all claims



entitled to approval; and the Auditor shall pay the same immediately upon such certification and the Auditor shall issue his check payable to each consumer as shown by such certified abstract from the taxes collected on motor fuels, the said taxes on fuels purchased or used for other motor vehicles as aforesaid; and shall deliver, for mailing, said checks to the State Tax Commissioner; provided, that no refunds or repayment shall be made unless such claimant thereof shall make application therefor within twelve months from and after the date of purchase of such motor fuel; the date of purchase being defined to mean the date upon which the motor vehicle fuel was delivered to purchaser. Provided, further, that no refund of the tax shall be made when such motor vehicle fuel has been used for the construction, reconstruction or the maintenance of state and county highways except in such cases where such construction, reconstruction or maintenance of a public road or highway is undertaken by county, township or other municipality and where the public funds of such county, township or other municipality are used for the purchase of such motor fuel. The State Auditor shall furnish the Tax Commissioner with the information relating to the collection of the motor vehicle fuel tax and the Tax Commissioner shall withhold approval of any refund or repayment until the State Auditor shall certify to the Tax Commissioner that the tax upon such motor vehicle fuel, on which refund or repayment is claimed, shall have been paid. The Tax Commissioner shall have the power to formulate rules and regulations for the administration of this provision. It shall be the duty of the States Attorney, Sheriffs and Police Officers of the various cities to enforce the provisions of this law and a failure on their part to do same shall constitute grounds for removal.

If in any case or instance the Tax Commissioner shall be in doubt concerning the validity or justness of any claim for refund, he is hereby authorized to direct any persons or employees under his supervision to investigate the same. Then the burden of proof is on the claimant to establish the claim of refund, which claim shall be established by sworn affidavits and proof, if so demanded, including the affidavit of the dealer.

“Section 3. Emergency.) This Act is hereby declared to be an emergency, and shall be in full force and effect from and after its passage and approval.”

Senator Fowler moved that the amendments be adopted.

Which motion prevailed.

Senator Fine moved that House Bill No. 360 be amended as follows:

“On page 2 of the printed bill, lines 11 and 12, also in line 19, strike out the following language: “or capable of being operated”.

Which motion prevailed.

Senator Fowler moved that the rules be suspended and House Bill No. 360 be placed upon Second Reading and Final Passage, as amended.

Which motion prevailed.

#### ROLL CALL

The question being on the final passage of House Bill No. 360, as amended, the roll was called and there were ayes, 41; nays, 5; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Johnson	Skarvold
Blaisdell	Kamrath	Strehlow
Brostuen	Kolpin	Stucke
Cain	Kroeber	Thorson
Coffey	Lavik	Topp
Drew	Lemke	Trout
Ettestad	Lian	Vinje
Fine	Lowe	Watt
Fowler	Lynn	Whelan
Fredrickson	Magoffin	Williams
Gilbertson	McGillic	Wog
Gronvold	Morrison	Young
Guenther	Mutchler	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Crandall	Nelson, Barnes	Streibel
Greene	Owings	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Hulteng	Nelson, Grand Fks.	Thatcher

So the bill passed, the title was agreed to, and the emergency clause was declared carried.

House Bill No. 365. A Bill for an Act to Repeal Article 5 of Chapter 63 of the Civil Code (1913 Compiled Laws of the State of North Dakota) Relating to Mates and Seamen.

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, 29; nays, 18; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Gronvold	Skarvold
Bilden	Guenther	Strehlow
Brostuen	Kamrath	Streibel

Messrs.	Messrs.	Messrs.
Cain	Kroeber	Topp
Coffey	Lian	Trout
Ettestad	Lynn	Vinje
Fine	Magoffin	Watt
Fowler	Morrison	Whelan
Fredrickson	Mutchler	Wog
Gilbertson	Owings	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Kolpin	Nelson, Grand Fks.
Crandall	Lavik	Olson
Drew	Lemke	Stucke
Greene	Lowe	Thorson
Guthrie	McGillic	Williams
Johnson	Nelson, Barnes	Young

Absent and not voting:

Messrs.	Messrs.
Hulteng	Thatcher

So the bill passed and the title was agreed to, but the emergency clause was lost.

The President resumed the chair.

House Bill No. 366. A Bill for an Act to Repeal Article 6 of Chapter 63 of the Civil Code (1913 Compiled Laws of the State of North Dakota) Relating to Ship's Managers.

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, 31; nays, 16; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Gronvold	Owings
Brostuen	Guenther	Skarvold
Cain	Guthrie	Strehlow
Coffey	Kamrath	Streibel
Crandall	Kroeber	Topp
Drew	Lian	Trout
Ettestad	Lynn	Vinje
Fine	Magoffin	Watt
Fowler	Morrison	Whelan
Fredrickson	Mutchler	Wog
Gilbertson		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Bilden	Lemke	Olson
Blaisdell	Lowe	Stucke
Greene	McGillic	Thorson

Messrs.	Messrs.	Messrs.
Johnson	Nelson, Barnes	Williams
Kolpin	Nelson, Grand Fks.	Young
Lavik		

Absent and not voting:

Messrs.	Messrs.
Hulteng	Thatcher

So the bill passed and the title was agreed to, but the emergency clause was lost.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 3, 1937.

Mr. Speaker: I have the honor to return

House Bill No. 198. A Bill for an Act Making an Appropriation to Be Expended in Providing Public Assistance to the Needy Aged, the Needy Blind, and to Dependent Children, and in Providing Child Welfare Services in Coordination With and Supplementary to Funds Made Available for Like Purposes in North Dakota by the Federal Government; Defining the Powers and Duties of the Public Welfare Board in Relation Thereto; Repealing All Acts and Parts of Acts in Conflict With This Act; and Declaring an Emergency.

Which the Senate has amended as follows:

After the title, insert the following language: "BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:"

Strike out all of Sections 1, 2 and 3, and insert the following in lieu thereof:

"Section 1. There is hereby appropriated from the State Public Welfare Fund, created and established by House Bill No. 199, pending in this legislative assembly, the sum of \$2,600,000.00 or so much thereof as may be necessary to be expended by the Public Welfare Board in providing public assistance for the needy aged, the needy blind, and to dependent children, and for child welfare services and services to crippled children, or so much thereof as may be necessary in carrying out and effectuating such programs in coordination with and supplementary to funds made available for like purposes in North Dakota by the Federal Government.

"Section 2. Disbursement under this act shall be made for the purpose of providing old age assistance, aid to dependent children, and aid to the blind, also in providing child welfare services and services to crippled children, in co-operation with the Federal Government, under the provisions of the Social Security Act, and in payment of the cost of administration of each of these programs.

"Section 3. Whenever, during the biennium ending June 30, 1937, or the biennium ending June 30, 1939, the balance

remaining in the State Public Welfare Fund shall prove insufficient to meet the requirements for old age assistance, aid to the blind, aid to dependent children, services to crippled children, and child welfare services, the State Board of Equalization of North Dakota is hereby authorized and directed to make a levy of a sum sufficient to make up such deficiency and to make a transfer to said sum from the general fund of the state to the State Welfare Fund, but the sum so levied and transferred shall in no case exceed the total sum appropriated and chargeable to the State Public Welfare Fund by Section 1 of this Act."

Very respectfully,

THOMAS McDONALD,  
Secretary.

MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
March 3, 1937.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to House Bill No. 353.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 3, 1937.

Mr. President: I have the honor to request the return of Senate Bill No. 202.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

Senator Cain requested that the Senate return to the 7th order of business. Which request was granted.

Senator Cain moved that the request of the House for the return of Senate Bill No. 202 be granted.

Which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 269. A Bill for an Act to Define Native Lignite and to Separately Classify Native Lignite; and to Declare the Public Policy in Respect Thereto.

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, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Olson
Bilden	Johnson	Owings
Blaisdell	Kamrath	Skarvold
Brostuen	Kolpin	Strehlow
Cain	Lavik	Streibel
Coffey	Lemke	Stucke
Crandall	Lian	Thorson
Drew	Lowe	Topp
Ettestad	Lynn	Trout
Fine	Magoffin	Vinje
Fowler	McGillic	Watt
Fredrickson	Morrison	Whelan
Gilbertson	Mutchler	Williams
Greene	Nelson, Barnes	Wog
Gronvold	Nelson, Grand Fks.	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Guthrie	Kroeber	Young
Hulteng	Thatcher	

So the bill passed and the title was agreed to.

House Bill No. 235. A Bill for an Act to Appropriate \$2,-500.00 to Be Paid to the State Historical Society of North Dakota Under the Direction of the Federal Writers' Project of the Works Progress Administration, to Be Used for the Printing of The North Dakota Guide, and Providing for the Return of the Money to the State Treasurer, and Providing the Manner of Printing, Distributing, and Accounting for Sale of Said Book.

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, 8; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Guenther	Owings
Blaisdell	Guthrie	Skarvold
Brostuen	Johnson	Strehlow
Cain	Kolpin	Streibel
Coffey	Kroeber	Stucke
Crandall	Lavik	Thorson
Drew	Lemke	Topp
Ettestad	Lian	Trout
Fine	Lynn	Vinje
Fowler	Magoffin	Whelan
Fredrickson	McGillic	Williams

Messrs.	Messrs.	Messrs.
Gilbertson	Morrison	Wog
Gronvold	Nelson, Grand Fks.	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Lowe	Olson
Greene	Mutchler	Watt
Kamrath	Nelson, Barnes	

Absent and not voting:

Messrs.	Messrs.
Hulteng	Thatcher

So the bill passed, the title was agreed to, and the emergency clause was declared carried.

Senator McGillic moved that the vote by which House Bill No. 235 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 3, 1937.

Mr. Speaker: I have the honor to transmit herewith Senate Bill No. 202 in accordance with the request of the House for its return.

Very respectfully,

THOMAS McDONALD,  
Secretary.

HOUSE CONCURRENT RESOLUTION No. 356.

Was read the second time.

ROLL CALL

The question being on the final passage of Resolution No. 356, the roll was called and there were ayes, 38; nays, 8; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Skarvold
Bilden	Johnson	Strehlow
Brostuen	Kamrath	Streibel
Cain	Kolpin	Stucke
Coffey	Lavik	Thorson
Crandall	Lemke	Trout
Drew	Lian	Vinje
Ettestad	Lynn	Watt
Fine	Magoffin	Whelan
Fowler	Morrison	Williams

Messrs.	Messrs.	Messrs.
Fredrickson	Mutchler	Wog
Greene	Olson	Young
Gronvold	Owings	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Kroeber	Nelson, Barnes
Gilbertson	Lowe	Nelson, Grand Fks.
Guthrie	McGillic	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Hulteng	Thatcher	Topp

So the bill passed and the title was agreed to.

Senator Thorson moved that the vote by which House Concurrent Resolution No. 356 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

HOUSE CONCURRENT RESOLUTION "E," Relating to prevention of soil erosion and flood control.

Was read the second time.

Senator Thorson moved that the resolution be adopted.

Which motion prevailed.

HOUSE CONCURRENT RESOLUTION "V," Memorializing Congress to ratify the St. Lawrence Seaway Treaty.

Was read the second time.

Senator Vinje moved that the resolution be adopted.

Which motion prevailed.

Senator Thorson moved that further consideration of House Bill No. 162 be deferred one legislative day.

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. 176, Senate Bill No. 246, Senate Bills No. 105, 112, Senate Bill No. 173, Senate Bill No. 73, Senate Bill No. 111 and Senate Bill No. 245.

And find the same correctly enrolled.

WILLIAM KROEBER,  
Chairman.



Senator Kroeber moved that the report be adopted, which motion prevailed, and the report was adopted.

SECOND READING OF HOUSE BILLS

House Bill No. 308. A Bill for an Act to Make a Sales Tax a Replacement Tax and to Provide a Method of Replacement; Requiring the State Tax Commissioner to Issue Coupon Books to Be Accepted as Cash in Payment of Real and Personal Property Taxes, Providing a Method for the Sale of Coupon Books and Requiring the Coupons to Be Detached in the Presence of the Person Accepting the Coupons, and Declaring an Emergency.

Was read the second time.

Senator Morrison moved that House Bill No. 308 be amended as follows:

In line 4, Section 2, following the words "County Auditor," insert the following: "or from any person, firm or corporation, who has a retail sales tax permit."

Which motion prevailed.

Senator Lowe moved that further consideration of House Bill No. 308 be indefinitely postponed.

Roll call demanded and granted.

ROLL CALL

The question being on the motion to indefinitely postpone House Bill No. 308, the roll was called and there were ayes, 22; nays, 25; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Lian	Skarvold
Brostuen	Kamrath	Strehlow
Cain	Lowe	Stucke
Drew	Lynn	Trout
Fine	Morrison	Vinje
Fowler	Mutchler	Wog
Guthrie	Nelson, Barnes	Young
Johnson		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Olson
Blaisdell	Kolpin	Owings
Coffey	Kroeber	Streibel
Crandall	Lavik	Thorson
Ettestad	Lemke	Topp
Fredrickson	Magoffin	Watt
Gilbertson	McGillic	Whelan
Greene	Nelson, Grand Fks.	Williams
Gronvold		

Absent and not voting:

Messrs.	Messrs.
Hulteng	Thatcher

So the motion was lost.

### ROLL CALL

The question being on the final passage of House Bill No. 308, the roll was called and there were ayes, 20; nays, 27; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Gronvold	Owings
Blaisdell	Guenther	Streibel
Drew	Kolpin	Thorson
Ettestad	Kroeber	Topp
Fredrickson	Lavik	Whelan
Gilbertson	Lemke	Williams
Greene	Olson	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Bilden	Kamrath	Nelson, Grand Fks.
Brostuen	Lian	Skarvold
Cain	Lowe	Strehlow
Coffey	Lynn	Stucke
Crandall	Magoffin	Trout
Fine	McGillic	Vinje
Fowler	Morrison	Watt
Guthrie	Mutchler	Wog
Johnson	Nelson, Barnes	Young

Absent and not voting:

Messrs.	Messrs.
Hulteng	Thatcher

So the bill was lost.

Senator Bilden moved that the vote by which House Bill No. 308 was lost be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Watt: I am going to vote "no" on this bill, for this reason—if the people who are going to receive this money see fit to take care of the needy and the schools, and don't see fit to indefinitely postpone this bill it is going to be alright with me.

Senator Young: I want to change my vote from "no" to "aye" for the reason that all the county would get out of it would be a bunch of coupon books and no money.

Senator Whelan moved that the report of the subcommittee appointed to investigate bond transactions be printed in the Journal and not read as it was a lengthy report.

Which motion prevailed.

**REPORT OF THE SUB-COMMITTEE APPOINTED FOR THE INVESTIGATION OF VARIOUS BOND TRANSACTIONS BY OR BETWEEN DEPARTMENTS OF THE STATE GOVERNMENT.**

To the Hon. President of the Senate of the State of North Dakota:

The special sub-committee of the Senate of the State of North Dakota, Twenty-fifty Legislative Assembly, for the purpose of investigating various and sundry bond transactions by or between the various departments of the state government, respectfully presents its report and findings, as follows:

This Committee was constituted by and functioned under the following resolutions:

**SENATE RESOLUTION "C"**

**INFORMATION RELATIVE TO THE SALE AND TRANSFER OF STATE BONDS**

BE IT RESOLVED, BY THE SENATE OF THE STATE OF NORTH DAKOTA, That the Industrial Commission, the Commissioner of Insurance, the Workmen's Compensation Bureau, the State Treasurer, and the Manager of the Bank of North Dakota, are hereby requested and directed forthwith to prepare and file with the Secretary of the Senate, a list of any and all state bonds, bought, sold, exchanged or transferred by the State of North Dakota, or any of its departments or institutions, giving the amounts, dates, numbers, prices paid or received, name of the persons, corporations, or department from whom purchased, or to whom sold, during the calendar years of 1933, 1934, 1935 and 1936; said statements shall also set forth clearly the amount, cost, and par value of all bonds held by the State or any of its departments or institutions at the time of the issuance of said statement.

**SENATE RESOLUTION "O"**

**A SENATE RESOLUTION PROVIDING FOR AN INVESTIGATION INTO VARIOUS AND SUNDRY BOND TRANSACTIONS BY OR BETWEEN THE VARIOUS DEPARTMENTS OF STATE GOVERNMENT.**

Be It Resolved by the Senate of the State of North Dakota:

Whereas, on January 16, 1937, this body adopted a certain resolution directing an investigation into various and sundry bond transactions by or between the various departments of state governments, and

Whereas, it appears that to properly conduct this investigation it is necessary to subpoena certain witnesses and records from and within the various departments of state government, and

Whereas, it further appears that it may be necessary and desirable to subpoena certain persons and records not connected with the departments,

NOW, THEREFORE, BE IT RESOLVED, that the sub-committee, consisting of Senators Whelan, Drew and Crandall are hereby, in the name of this body, authorized, directed and empowered to subpoena such officials, employees, records, documents, papers, or other matter, and require the production thereof, from the offices of the officials of this state, or elsewhere, as they may deem necessary to the proper conduct of the investigation heretofore directed.

BE IT FURTHER RESOLVED, That should any officials or persons refuse to present themselves and their records before this committee as directed in such subpoena as may be issued by this committee in the name of the Senate, then the Sergeant-at-Arms is hereby directed that upon a request by the committee that he will arrest such persons as fail to appear and that he shall then present such persons before the bar of the Senate for such further action as may by this body be deemed necessary.

Your sub-committee reports that the members thereof duly attended and organized said sub-committee, the same consisting of the members of the Senate above named, to-wit: Thomas Whelan, chairman; G. F. Drew and John Crandall. The reports designated in Senate Resolution "C" were duly furnished by the Commissioner of Insurance, the Workmen's Compensation Bureau, the State Treasurer, and the Manager of the Bank of North Dakota, respectively; were duly examined by this committee and by experts employed and designated by the committee for the purpose.

Hearings were had before the committee from time to time, records introduced and considered, and testimony adduced before, and received by the committee. The investigation and inquiry of the committee extended to all of the transactions involving bonds of the departments named, during the period from January 1, 1933, to the present time. Because of the lack of sufficient time, and on account of limited facilities available to the committee, findings of the committee as to the greater number of bond transactions involved in the investigation are general, with the recommendation, hereinafter appearing, that further inquiry and investigation be instituted and conducted by the proper officials.

By way of comment relative to North Dakota bond transaction the following general observations have been made. According to the twenty-fourth biennial report of the State Auditor the total state bonded indebtedness of the State of North Dakota as of January 30th, 1936 was \$31,458,950.00. Of this bonded indebtedness existing at that time \$27,411,800.00 of North Dakota real estate bonds were outstanding.

The balance of the bonded indebtedness was as follows:

Bank of North Dakota Capital Stock.....	\$	150.00
Mill and Elevator Construction Bonds.....		3,000,000.00
Mill and Elevator Milling Bonds .....		500,000.00
Capital Building Certificates .....		547,000.00

Outstanding North Dakota Bonds bear interest rates varying to as high as six per cent and some of the bonds do not mature until 1960.

The following general observations have been made from the reports submitted to Senate Resolution "C". The Real Estate Principal Fund Investment, during the period covered by this aforementioned resolution, redeemed all of its bonds at par in 1934 and 1935. The bonds held by this fund during this period were of the Real Estate Series, bearing various rates of interest and maturity dates. With very few exceptions these bonds were all purchased at a premium during 1931, 1932, and 1933. All but \$149,000.00 of these bonds were purchased from bond concerns or private individuals, the greater part of them having been purchased from bond concerns.

As to premiums paid on the original purchase of these bonds the following is cited as an example:

Real Estate Series "H" Bonds in the amount of \$50,000.00 bearing a four and one-half per cent rate of interest and maturing July 1, 1941; Real Estate Series "B" Bonds in the amount of \$80,000.00 bearing a six per cent rate of interest and maturing January 1, 1937, were purchased in October, 1931, at a premium of \$12,647.49. This premium included accrued interest. These bonds were then redeemed at par in January, 1935. As of January 20, 1937, no bonds were owned by the Real Estate Principal Fund Investment.

The North Dakota Workmen's Compensation Bureau had on hand January 18, 1937, the following bonds:

State Bonds .....	\$2,354,000.00
School District Bonds .....	223,000.00
County Bonds .....	40,000.00
City Bonds .....	24,000.00
<b>TOTAL BONDS ON HAND .....</b>	<b>\$2,641,000.00</b>

During the period covered by Senate Resolution "C" bond exchanges to the total of \$1,350,000.00 were made by the Workmen's Compensation Bureau. The Bureau during this period of time purchased bonds to the extent of \$401,000.00, of which \$168,000.00 were State Bonds. The balance was made up of \$223,000.00 in school district bonds and \$10,000.00 in county Funding Bonds.

The Common School Fund of the Board of University and School Lands owned as of January 20th, 1937, \$1,600,000.00 of North Dakota Real Estate Bonds. These bonds were all bought at premium of \$42,490.00 in 1925 and 1926, bear a four and one-half per cent rate of interest and mature in 1950 and 1954.

The Teacher's Insurance and Retirement Fund owned as of January 22nd, 1937, \$686,000.00 of North Dakota State Bonds.

The North Dakota State Bonding Fund owned no North Dakota Bonds as of January 20th, 1937. During the period covered by this Resolution the North Dakota State Bonding Fund owned State Bonds in the amount of \$360,000.00. Of

the total owned as of January 1st, 1933, \$6,000.00 in Bonds were redeemed at par and the balance were disposed of in September, 1936.

The State Hail Insurance Department owned as of January 22nd, 1937, only \$117,000.00 of North Dakota State Bonds. During the period covered by this resolution the Hail Insurance Department owned State Bonds in the amount of \$1,662,000.00. With the exception of \$70,000.00 of Bonds disposed of in October, 1936, all of these bonds were disposed of in August and November of 1935. The Bank of North Dakota at present holds on conditional purchase (the Hail Insurance Department, under the sale contract having the right to repurchase before April 1, 1937, at the same base rate) \$395,320.60 of the bonds disposed of by this Department.

The State Fire and Tornado Fund as of January 22nd, 1937, owned State Bonds in the amount of \$471,000.00. Bonds sold by this Department between January 1st, 1933, and January 18, 1937, amounted to \$965,000.00. This fund purchased, subsequent to January 1, 1933, \$5,000.00 of North Dakota Bonds.

The total state bonds owned by the Bank of North Dakota on January 20th, 1937, amounted to \$5,239,500.00. These bonds were purchased by the Bank at \$5,514,832.14. The Bank of North Dakota had on hand as of December 31, 1932, \$6,994,000.00 of North Dakota Bonds. Bonds purchased by the Bank of North Dakota from State Departments totalled \$2,788,000.00. Bonds sold to State Departments by the Bank of North Dakota totalled \$1,020,000.00. Bonds purchased by the Bank from Bond Houses and others amounted to \$10,942,200.00. The Bank of North Dakota sold to Bond Houses and others a total of \$4,292,500.00 in North Dakota Bonds. The Bank purchased from the State Treasurer North Dakota bonds in the amount of \$769,000.00 and sold to the State Treasurer \$10,671,500.00 of North Dakota Bonds. Bonds maturing during the period covered by this resolution and held by the Bank totalled \$269,700.00.

As stated above, this Committee has been unable, in the time available to make a thorough investigation of all bond transactions. At the time of preparing this report, the Committee is still engaged in its inquiry; and a complete hearing on matters involving bond transactions of the Workmen's Compensation Bureau, as well as those of other Departments, has not yet been had.

#### THE WORKMEN'S COMPENSATION BUREAU

It appears to the Committee from the report of the above Department that among securities held by the Workmen's Compensation Bureau in 1936, were Real Estate Series "H" bonds, due in 1941, in the amount of \$300,000.00 par; and that the Bank of North Dakota then held Real Estate Series "K" Bonds, maturing in 1953, in the same amount of \$300,000.00 par; In May, 1936, an exchange of the said bonds was effected between the Bank and the Workmen's Compensation Bureau, the Bank paying a cash premium of \$6,500.00, in the form of a draft delivered to one H. E. Mueller, a private bond broker. From the reports and records before

this Committee, as supplemented and explained by testimony adduced to the committee, it appears that the said Mueller negotiated the exchange, treating the Bank and the Workmen's Compensation Bureau in the same way as might be done in the case of an exchange negotiated by a broker between private parties. Mr. Mueller testified that each party to the transaction was unaware of the identity of the other; notwithstanding that it appears that the Chairman of the Workmen's Compensation Bureau consulted the Manager of the Bank of North Dakota with reference to the desirability of the exchange, and was advised by the latter that the exchange would operate to the benefit of the Bureau.

From the evidence it appears that Mueller obtained from the Bank of North Dakota what he describes as a verbal option to accept, for an undisclosed customer, the above mentioned bonds maturing in 1953 in the sum of \$300,000.00, and cash in the amount of \$6,500.00, and to exchange therefor a like amount of bonds maturing in 1941. His testimony was to the effect that the Bank desired to make the exchange for the purpose of retiring the 1941 bonds and saving future interest thereon. He testifies further that he then went to the Workmen's Compensation Bureau and represented that he could obtain the said 1953 bonds and transfer the same to the Bureau in exchange for the 1941 bonds in a like amount. This offer was formally accepted by the Bureau conditioned upon the payment to the Bureau of the sum of \$6,000.00 as a premium for the exchange, and the transfer was completed through the Dakota National Bank and Trust Company, of Bismarck, North Dakota. The 1941 bonds were held by the Bank of North Dakota for a period of months, and eventually retired.

It appears to the Committee that provision should be made whereby Departments and agencies of the State may deal, one with the other, in the transfer or exchange of State bonds without the intervention of brokers or agencies not connected with the State, and obviate the payment of commissions. It will be noted that in the transaction above discussed the broker, Mueller, realized a commission of \$500.00, out of which he testified that he paid the expenses of the transaction. The committee is of the opinion that transactions in State bonds between Departments and agencies of the State should not be conducted in the same manner as in the case of transactions between strangers, and that full information should be before any Department, whenever possible, where such transfer or exchange is contemplated.

The Audit Report of the Workmen's Compensation Bureau for the period of June 1st, 1933 to September 30th, 1934, the period during which this exchange took place, noted as follows:

"The Department has exchanged bonds, and in the trades the records do not show how the premium adjustments are apportioned to the various lots of bonds on hand."

Investigation revealed that the original work sheets of the auditors covering this portion of the audit are no longer on file. No explanation has been given of this fact.

The Workmen's Compensation Bureau report submitted pursuant to Resolution "C" listed Real Estate Series "H" Bonds 25251-600 as having been "sent out in exchange." In view of the fact that Series "H" bonds 25251-300 were registered in the name of the Real Estate Principal Fund Investment on October 19th, 1931, (having been purchased by that fund from a bond agent) it is quite apparent that this \$50,000.00 block of bonds was disposed of prior to the period covered by Resolution "C." This \$50,000.00 block of bonds has previously been referred to in the general observation portion of this Committee's report.

The Bureau report further stated that the four and one-half per cent "K" bonds in the amount of \$300,000.00 were received by them in exchange from the Bank of North Dakota direct at 102.23 and that they paid a premium thereon of \$6,690.00. As previously stated, this was not a direct exchange, the Bureau did not pay a premium of \$6,690.00 on the exchange, and they did not receive them at 102.23.

In this connection it might be stated that many of the State Departments handling bonds keep their records in connection with these various bond transactions in entirely too loose a manner. Each Department and Administration seem to have its own method of recording its various bond transactions. Formal bids or records of these bids, in many instances are no longer available.

In this connection the Committee feels that on the whole the bond transactions of the Bank of North Dakota have been handled in a very efficient, business-like, and systematic manner.

Wholesale shifting of bonds between Departments has taken place for no apparent reason. Eight blocks of North Dakota Real Estate Bonds totaling \$191,000.00 were purchased by the Hail Insurance Department from bond brokers, subsequently sold to the Bank of North Dakota, and then disposed of by the Bank of North Dakota to the Compensation Bureau. Of these blocks, \$100,000.00 in bonds was purchased from the Bank of North Dakota by a bond house at \$97,750.00 and sold the next day at par to the Hail Insurance Department. The Bank of North Dakota paid that Department, \$114,120.00 for this block of bonds; when the Bank repurchased them.

#### THE STATE BONDING FUND

The State Bonding Fund is by statute required to be administered and invested by the State Treasurer, Chapter 158, Laws of 1919, (Section 200b15, 1925 Supplement). However, it has become the practice within the Department to refer matters relating to investments to the State Bonding Fund Audit Board created by Chapter 158, Laws of 1919 (Section 200b18, 1925 Supplement), which board is composed of the Commissioner of Insurance, the State Examiner and the Attorney General. From the records and testimony be-



fore this committee it appears that the State Bonding Fund transactions relating to bonds, so far as the same were under consideration by this committee, were submitted to the State Bonding Fund Audit Board, and, after formal action by that Board, were consummated with the knowledge or approval of the State Treasurer. As noted heretofore in this report, the State Bonding Fund held state bonds in the sum of \$360,000.00 during the period subsequent to January 1, 1933, all of which were disposed of prior to January 20, 1937; and all sold in September, 1936, with the exception of \$6,000.00 which were redeemed at par. Of the bonds sold during said time by that Department, \$199,000.00 were sold to private individuals or bond commission houses, and the balance to the Bank of North Dakota. The testimony of the Assistant Manager of the State Bonding Fund is to the effect that the said Board considered it good business to dispose of State bonds at the time in question for the reason that the price obtainable at that time was as high as they could ever hope to receive. It is noted, however, that until re-investment in other securities the funds of the Department are on deposit with the Bank of North Dakota at a rate of interest not exceeding one and one-half per cent, as compared with four to six per cent paid on the bonds; the net yield on the bonds to the Department depending, of course, on the price at which the bonds were purchased. As to the bonds purchased from this Department by the Bank of North Dakota, the loss of interest to the Department may be said to be compensated by the fact that, as to those bonds, the same have either been cancelled or are yielding the higher rate to the Bank, but as to the bonds purchased by private parties it will be seen that the State must pay the rate of interest designated in the bond, resulting in a loss to the State unless the bonds have been sold at a premium sufficiently high to reduce the yield to one and one-half per cent, which is not the case. In other words, as to bonds sold by this Department to private holders, the State of North Dakota and its taxpayers are paying an interest of approximately four to six per cent per annum on the par value, and the State Bonding Fund is receiving one and one-half per cent on the proceeds of such bond sales, and that return is being paid by another agency of the State, namely the Bank of North Dakota.

#### THE STATE FIRE AND TORNADO FUND

Transactions of the State Fire and Tornado Fund in State bonds during the period in question received particular scrutiny from this Committee for reasons that will appear. As stated above, this Department, during the period in question, sold State bonds in the amount of \$965,000.00, purchased only \$5,000.00 of State bonds, and on January 22, 1937, held State bonds to the amount of \$471,000.00. A large amount of the bonds sold were transferred to the Bank of North Dakota, to be retired when funds become available. The Committee is of the opinion that transfer of state bonds to the Bank for this purpose by other Departments is commendable.

A considerable amount of bonds, however, were sold by this Department to private investors, through security commission houses and banks. Among the latter the Committee has considered certain sales made, according to the records

of the Department and of the State Treasurer, to the Farmers State Bank of Dickinson, North Dakota, and to the Garrison State Bank, Garrison, North Dakota.

It has been mentioned herein that in matters relating to purchase and sale of bonds the State Bonding Fund acts subject to the approval of a Board consisting of the Attorney General, the Commissioner of Insurance and the State Examiner. That Board has no connection with the State Fire and Tornado Fund, and did not act in connection with the sale of bonds by that Department. Such sales were necessarily submitted to the State Treasurer; but in addition it appears that one state official, namely the State Examiner, was consulted and actively participated in the transactions whereby the bonds were sold to the Dickinson and Garrison banks aforesaid.

It appears from the testimony of witnesses who appeared before this Committee, including the State Examiner, that certain bonds held by the State Fire and Tornado Fund were not purchased by the Bank of North Dakota for the reason that the maturity date thereof was too remote; that the officials of the Fund deemed it advisable to dispose of said long term bonds, and that the State Examiner was informed of such intention. The present State Examiner, Mr. Adam A. Lefor, has held that official position since October 18th, 1933. Prior to assuming the duties of the office he had been president and a director and stockholder of the Farmers State Bank of Dickinson. The evidence discloses that before assuming the office of State Examiner Mr. Lefor transferred all of his stock in said Farmers State Bank of Dickinson, namely 154 shares, to his son-in-law, M. J. Raschko, who became, and now is president of said bank. Mr. Raschko is also president of the Garrison State Bank; and one A. J. Becker is an officer and director of both of said banks, and is also a son-in-law of Mr. Lefor's and is or was employed by the Bank of North Dakota.

The evidence discloses that the State Examiner, Mr. Lefor, was informed that the State Fire and Tornado Fund intended to dispose of certain state bonds which were not desired by the Bank of North Dakota; that Mr. Lefor got in touch with Mr. Raschko, President of said banks, and Mr. Becker; that one or both of said bank officers were introduced to officials of the State Fire and Tornado Fund by Mr. Lefor with the explanation that their banks were prospective purchasers of said State bonds; and that Mr. Lefor was actively engaged in the negotiations between said parties in connection with the purchase of such bonds.

Mr. Lefor advised and approved of the sale of said bonds by the Fund. A price was agreed upon which in each case included a substantial premium above par, and twelve blocks of said bonds, aggregating \$228,000.00 par value, were sold to the two banks, the Dickinson Bank acquiring all but \$23,000.00 of said bonds.

The procedure on the sale of said bonds may be stated

as follows: After an agreement was made as to a price of one or more blocks of bonds, an assignment thereof was executed by the Commissioner of Insurance, the name of the assignee being left blank. Such assignment was delivered to the State Treasurer, who had custody of all bonds. The State Treasurer executed an approval of the transfer and in addition, at his request, Mr. Lefor, in some of these instances, indicated his approval of such transfer by signing his name to the transfer approval. The bonds were then held in the office until payment was made by Mr. Lefor, in the form of a draft furnished by the purchasing bank, whereupon the bonds were delivered to Mr. Lefor, who except in one instance, receipted therefor in behalf of the purchasing bank.

Assignment of four blocks of bonds, aggregating \$51,000.00 was executed in blank, as aforesaid, under date of October 1st, 1936, and delivered to the State Treasurer as his authority to deliver the bonds covered thereby to the Dickinson Bank. The Treasurer's approval thereof was noted at the bottom of said assignment, and there is testimony in the record to the effect that the State Treasurer consulted Mr. Lefor and obtained his approval of said sales. Thereafter, and on October 5th, 1936, Mr. Lefor appeared at the State Treasurer's Office with a draft furnished him, according to his testimony, by the Dickinson Bank, and took up the bonds, receipting therefor in the name of Farmers State Bank of Dickinson, by Adam A. Lefor. He testified that he held the bonds in his possession for a time and thereafter delivered them to an officer of the bank. On September 30th, 1936, before the date of such assignment, Mr. Lefor contacted certain bond brokers in Minneapolis, Minnesota, by long distance telephone from Bismarck, and offered the said bonds for sale at certain definite prices. In the same conversation Mr. Lefor offered for sale \$23,000.00 of State bonds which were thereafter assigned to the Garrison State Bank. As a result of this telephone conversation the said brokers found purchasers for and sold the said \$51,000.00 of bonds at a price which resulted in a gross profit to the Dickinson Bank of \$667.59. It thus appears that by arrangements made September 30th, 1936, the bonds were, through Mr. Lefor's efforts, sold in Minnesota at a price \$667.59 greater than that paid by the Dickinson State Bank under the assignment dated October 1st, 1936, and delivered to and paid for by the Dickinson Bank on October 5th, 1936, all with the approval and active participation of the State Examiner.

In the same transaction, and on the same dates, the Garrison State Bank of Garrison bought and sold \$23,000.00 worth of said bonds, and realized therefrom, by virtue of negotiations with the same brokers had by Mr. Lefor on September 30th, 1936, the sum of \$295.78.

The Committee concludes that in the above mentioned transactions Mr. Adam A. Lefor first obtained a market for the said bonds at definite prices; that thereafter he negotiated, and participated in the negotiation of, a sale of said bonds which netted the two banks the total amount of \$936.37.

The records and evidence disclose that under date of October 19th, 1936, the State Fire and Tornado Fund executed and delivered to the Treasurer an assignment in blank covering \$34,000.00 state real estate bonds, and \$30,000.00 State Mill and Elevator Bonds, purchased by the Farmers State Bank of Dickinson; that on October 26th, 1936, the said Minneapolis brokers procured a purchaser for said \$30,000.00 Mill and Elevator bonds at a gross price amounting to \$487.50 more than the price received by the Fire and Tornado Fund, and paid by the Dickinson Bank; and that on November 6th, 1936, Mr. Lefor delivered a draft and receipted for said bonds, and obtained delivery thereof for the said Dickinson Bank. It thus appears that before effecting the purchase of these bonds the Dickinson Bank had obtained a sale thereof at a substantial gross profit. The signature of Mr. Lefor appears on the said assignment as evidencing his approval of the sale and transfer to the Dickinson Bank.

It further appears that on December 22nd, 1936, the said Dickinson Bank resold the \$34,000.00 of bonds above mentioned at a gross profit of \$1,870.00 above the amount paid therefor; and that the negotiations between the Dickinson Bank and the brokers were opened by a representative of said brokers introduced by Mr. Lefor to Mr. Becker.

It further appears that on December 21st, 1936, the State Fire and Tornado Fund executed an assignment in blank covering \$30,000.00 of state bonds; that said assignment was delivered to the State Treasurer and on the same day the transfer or sale was approved by the State Treasurer and by Adam A. Lefor, that said Lefor, on December 23rd, 1936, presented a draft for said bonds, receipted therefor in behalf of the Farmers State Bank of Dickinson, and received delivery of the bonds. Thereafter the said bonds were resold by the Dickinson Bank and, on February 8th, 1937, registered in the name of a subsequent purchaser and holder. The price received therefor by the Dickinson Bank has not yet been ascertained.

A similar transaction took place between the said Dickinson Bank and the State Fire and Tornado Fund, the assignment being executed in blank on December 30th, 1936; transfer and sale approved on the same date by the State Treasurer and by Adam A. Lefor; and draft presented and receipt signed by Adam A. Lefor, in behalf of the said bank on December 31st, 1936. Said Bonds still remain registered in the name of the State Fire and Tornado Fund. The record before this Committee includes the report of the condition of the Farmers State Bank of Dickinson at the close of business December 31st, 1931, verified by A. J. Becker as cashier on January 6th, 1937. Said report indicates that no state bonds were owned by said bank on December 31st, 1936.

Referring to the activity of Adam A. Lefor in connection with the above mentioned transaction with the banks of Dickinson and Garrison the Committee finds that Mr. Lefor was, until immediately prior to his taking office as State Examiner, the president of said Dickinson Bank; that upon being appointed State Examiner he caused his 154 shares of stock in said banking corporation to be transferred to M. J. Raschko.

That said Raschko did not purchase the stock for cash or money, but that, according to Mr. Lefor's testimony before the Committee the said bank stock was sold at quite a bit below par; that no price per share was fixed for the stock, but that the same was sold for a lump sum; that Mr. Lefor does not recall what that lump sum was; that no money was paid to him for the stock, that the consideration consisted in part of an indebtedness due Mr. Raschko from Mr. Lefor, and in part of the assumption by Mr. Raschko of certain indebtedness owing by Lefor to third parties; that the amount of either the indebtedness due to Mr. Raschko or the indebtedness which he assumed in behalf of Mr. Lefor is not now known to Mr. Lefor, that he has for gotten the amount; that he has forgotten who the parties were to whom he owed said indebtedness so assumed by Mr. Raschko; that he has no recollection as to the approximate amount of such consideration or the agreed price of the stock; that the debt to Mr. Raschko was not represented by notes and was not secured.

In connection with the participation of the State Examiner in the various bond transactions hereinabove mentioned, and his activity in behalf of the Farmers State Bank of Dickinson and the Garrison State Bank, the Committee refers to Section 4, of Chapter 71, Laws of North Dakota for 1933, relating to the qualifications for office of the State Examiner; and providing, among other things, that:

"The State Examiner \* \* \* shall not own, hold or control any stocks, capital or bonds, or the office of trustee, assignee, officer, agent or employee of any banking, annuity, safe deposit, trust company, moneyed or savings institution or corporation."

It appears that two of the officers of the Dickinson and Garrison banks are related, as sons-in-law, to the present incumbent of the office of State Examiner. It further appears that Mr. Lefor's stock was transferred to one of said officers, namely M. J. Raschko, and from the testimony before the Committee it is clear that even if Mr. Lefor had no actual, financial interest in said banks his connection with them was such as to disqualify him to act in any bond transactions between the State and either of said banks. It also appears that, by signing the receipts for bonds in the following manner, namely; "Farmers State Bank, by Adam A. Lefor," the State Examiner became the agent of said bank at least to the extent of receiving delivery of and holding the bonds purchased from the State. It further appears that he was active in bringing about the sale to the banks, and was further active in assisting said banks to find purchasers (in some cases before the bonds were delivered or paid for) for the bonds at a price in excess of the price paid by the respective banks to the Fire and Tornado Fund.

The Committee is of the opinion that Mr. Lefor's former and present connection with and interest in the Dickinson Bank and the Garrison Bank and with the officers thereof were such as to disqualify him from participating in any manner in the sale of bonds to said banks, and that by assisting in obtaining a favorable selling price on certain bonds before delivery thereof and payment therefor, he caused a loss to the

State Fire and Tornado Fund of the profit received thereon by the Dickinson and Garrison Banks, and is open to the charge of bad faith if not actual fraud in the matter.

Sale of bonds to the Farmer's State Bank of Dickinson and the Garrison State Bank of Garrison were handled in a questionable manner in the following general respects:

All assignments were made in blank as to the assignee. Furthermore, all assignments designated a specific date to which accrued interest should be paid to the Fire and Tornado Fund, regardless of date of delivery or payment of the bonds covered in the assignment. On one \$64,000.00 assignment of bonds the accrued interest was received by the Fund up to October 19th, the date of the assignment. However, the transfer of these bonds was not approved until November 6th, and the receipt for payment of the bonds was dated as of November 7th.

Your committee further reports that the records, testimony and evidence before this committee, together with a draft of this report, have been submitted to the Attorney General of the State of North Dakota and that the Attorney General, after examining the same and conferring with the members of this committee, has filed his views thereon in a document which is hereto attached and made a part of this report.

This committee therefore recommends:

1. That the further investigation of transactions in state bonds by and/or between departments, officers and officials of the State of North Dakota be referred to the Attorney General of the State for such action as may, in his official judgment and discretion, seem requisite and proper.
2. That the transactions hereinabove mentioned, or which may appear on further investigation, relating to the purchase, sale and exchange of state bonds by the North Dakota State Fire and Tornado Fund, be presented to a grand jury in the appropriate jurisdiction by the Attorney General; and that to that end the Senate of the State of North Dakota recommend the calling of a grand jury for the purpose of considering the same and such other matters as may be duly presented to such grand jury.
3. That if, upon investigation, it appears to the Attorney General that other transactions of the same or different departments, officers and officials of the State involving the purchase, sale or exchange of State bonds ought to be presented to a grand jury, the same be duly presented by and under the direction of the Attorney General.

Respectfully submitted,

TOM WHELAN,  
Chairman

G. F. DREW  
JOHN CRANDELL

TO THE SUB-COMMITTEE APPOINTED BY THE  
SENATE FOR INVESTIGATION OF VARIOUS  
BOND TRANSACTIONS BY OR BETWEEN DE-  
PARTMENTS OF THE STATE GOVERNMENT:

I have received and examined the report submitted by the above named sub-committee of the Senate of the 25th Legislative Assembly. The resolution authorizing the appointment of the committee empowers the committee to subpoena such officials, employees, records, documents and papers and to require the production thereof before the committee, and pursuant to said resolution it appears that the committee proceeded to conduct an investigation as in the foregoing report is set forth.

I have examined the said report somewhat in detail. The report recites that its findings is based upon testimony of witnesses, records and officers connection with the following departments: the Workmen's Compensation Bureau, the State Bonding Fund and the State Fire and Tornado Fund.

The report of the investigation of the Workmen's Compensation Bureau and State Bonding Department discloses no irregularities; however, the investigation of said departments is not complete, and for that reason there are not sufficient facts upon which any recommendation for final action can be made.

The report dealing with the Fire and Tornado Fund discloses a number of irregularities in connection with the purchase and sale of bonds by the Farmers State Bank of Dickinson at Dickinson, North Dakota, and the Garrison State Bank of Garrison, North Dakota. From the findings as set forth in the report of the investigation, it would appear that the State Examiner was active in negotiating sales to state banks: that is, the Dickinson Bank and the Garrison Bank, and that the State Examiner had made arrangements for the purchase of said bonds by a third party or third parties from the said state banks before the sale to said state banks had been completed, and that the price to be paid for said bonds by such third parties was greater than the price paid by the said state banks for the said bonds to the State Treasurer. The record discloses also numerous telegraphic communications between the State Examiner and bond brokers with reference to the sale of the bonds in question. The report also discloses that when the sales of these bonds to the two state banks referred to were completed, such bonds were delivered to the State Examiner who receipted for them in the name of the bank by himself over his signature.

In my judgment, it is unnecessary to make further comment upon the report of said investigation, inasmuch as said report speaks for itself, but in view of the irregularities as disclosed by the said report and the testimony of the witnesses called to testify, the records and documents introduced and presented to the investigating committee,

I believe that the entire matter should be submitted to a grand jury for further consideration. I make this recommendation in all fairness to the parties involved in the transactions referred to, as well as in the interest of the State of North Dakota.

Respectfully submitted,

P. O. SATHRE,  
Attorney General.

POS:RP

BLOCKS 1, 2, 3, 4

Par	Sold to	Prem. Rec'd by Fund	Sold by Bank at:	Differ- ence
\$51,000.00	Farmer's State	\$4,304.91	\$109.75	\$ 667.59

BLOCK 5

\$34,000.00	Farmer's State	\$ 510.00	\$107.00	1,870.00
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BLOCK 6

\$25,000.00	Farmer's State	\$2,437.50	5½-1942 \$108.75 6-1942 \$111.00	\$ 200.00
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BLOCK 7

\$ 5,000.00	Farmer's State	\$ 487.50	\$115.50	\$ 287.50
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BLOCK 8

\$30,000.00	Farmer's State	\$3,600.00	Had not been registered at opening of investigation.	
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BLOCK 9

\$60,000.00	Farmer's State	\$6,900.00	"	
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BLOCKS 10, 11, 12

\$23,000.00	Garrison Bank	\$3,096.72	\$114.75	295.78
				<hr/> \$3,320.87

SIGNING OF BILLS

The Secretary announced that the President was about to sign:

Senate Bill No. 73. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, New Building, Equipment and Miscellaneous Items for the Grafton State School at Grafton, North Dakota.

Also,

Senate Bill No. 111. A Bill for an Act Authorizing Municipalities to Acquire, Construct, Re-construct, Improve, Better, and Extend Certain Revenue-producing Undertakings; to Maintain and Operate the Same and to Prescribe, Revise and



Collect Rates, Fees, Tolls, and Charges for the Services, Facilities, and Commodities Furnished Thereby, and, in Anticipation of the Collection of the Revenues Thereof, to Issue Bonds Payable Solely From Such Revenues; Regulating the Issuance of Such Bonds and Providing for Their Payment and for the Rights of the Holders Thereof, and Other Matters Necessary in the Premises; and Declaring an Emergency.

Also,

Senate Bill No. 245. A Bill for an Act Directing the Board of Railroad Commissioners to Test Electric Meters of Electric Utility Companies and Gas Meters of Gas Utility Companies, and to Determine the Heat Values of Natural and/or Artificial Gas Distributed by Public Gas Utility Companies, and Making an Appropriation for Testing Equipment Therefor, and Declaring an Emergency.

Also,

Senate Bill No. 176. A Bill for an Act to Amend and Re-enact Section 1370, Session Laws of 1911, Chapter 266, as Amended by Chapter 239, Session Laws of 1927.

Also,

Senate Bill No. 246. A Bill for an Act, Providing for the Issuance by the Industrial Commission of Certificates of Indebtedness in Anticipation of the Collection of Property Taxes, Which Have Been Levied by the State Board of Equalization; Prescribing the Terms and Conditions Hereof; Providing for Their Sale and Delivery and Payment; Establishing of the Certificate of Indebtedness Retirement Fund, and Repealing All Acts or Parts of Acts Inconsistent With the Provisions of This Act, and Declaring an Emergency.

Also,

Senate Bill No. 112. A Bill for an Act Simplifying the Procedure for the Construction and Financing of Public Works Projects by Municipalities, Enabling Municipalities to Make and Perform Contracts With Federal Agencies Relating to the Construction and Financing of Such Projects and Confering Additional Power Upon Municipalities; and Declaring an Emergency.

Also,

Senate Bill No. 173. A Bill for an Act Amending and Re-enacting Section 30, of Chapter 96, of the Session Laws of the State of North Dakota for the Year 1931, Relating to Reserve Funds of State Banking Associations.

Also,

Senate Bill No. 105. A Bill for an Act to Amend and Re-enact Section 8, of Chapter 108, of the Session Laws of 1935, Relating to Credit Unions in the State of North Dakota.

Also,

Senate Bill No. 15. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the Department of Public Health.

Also,

Senate Bill No. 16. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the Public Health Laboratories.

Also,

Senate Bill No. 22. A Bill for an Act Amending and Re-enacting Section 2 of Chapter 222 of the Session Laws of 1931.

Also,

Senate Bill No. 248. A Bill for an Act to Encourage and Promote the Payment of Taxes By Providing for a Rebate On Payments.

Also,

Senate Bill No. 212. A Bill for an Act Providing for the Cancellation and Release of Gas and Oil Leases Which Have Expired by the Terms Thereof and Have Not Been Renewed of Record Within Five Years After the Expiration Thereof, and Declaring an Emergency.

Also,

Senate Bill No. 40. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the State Seed Department.

Also,

Senate Bill No. 179. A Bill for an Act to Provide for the Conservation, Protection, Improvement and Profitable Use of Agricultural Land Resources of the State of North Dakota and for Co-operation with the Governments and Agencies of Other States and of the United States Pursuant to the Provisions of Section 7 of an Act of the Congress of the United States Known as the Soil Conservation and Domestic Allotment Act, to Assent to and Accept the Provisions of Said Act; and, in Conformity With the Provisions of Said Act, to Designate and Authorize the North Dakota Agricultural College, Extension Service as the State Agency of This State in Conformity With Such Provisions, to Formulate, Submit to the Secretary of Agriculture of the United States, and Administer, State Plans to Carry Out the Provisions of This Act, to Define the Powers and Duties of said State Agency, to Provide for State Committee and Otherwise to Provide for the Administration of This Act.

Also,

Senate Bill No. 252. A Bill for an Act to Amend and Re-enact Section 2, of Chapter 274, of the Session Laws of North Dakota for the Year 1935, Relating to the Deduction of Delinquent Personal Property Taxes from Salaries or

Other Compensation of Elective and Appointive Officers, Agents and Employees of the State of North Dakota, All Bureaus, Boards, Commissions and Departments, and All Persons Receiving Public Funds and Extending the Application Thereof to Persons Receiving, Claiming or Demanding Money from Municipalities and Political Sub-divisions Within the State.

Also,

Senate Bill No. 239. A Bill for an Act Authorizing and Directing the State Historical Society of North Dakota to Sell to the United States Government Lands Acquired for Park Purposes at Arrowood Lake in Stutsman County, North Dakota and Providing for Manner of Disposing of Funds Accruing From Said Sale, and Declaring an Emergency.

Also,

Senate Bill No. 192. A Bill for an Act Making an Appropriation for a Pension for Mrs. Thelma Crites, Widow of National Guardsman John E. Crites.

Also,

Senate Bill No. 91. A Bill for an Act to Amend and Re-enact Section 9660 of the Compiled Laws of 1913 Defining a Lottery.

Also,

Senate Bill No. 247. A Bill for an Act Making an Appropriation for Payment of a Deficit in the Amount Appropriated for Payment of Per Diem of Employees of Twenty-Fifth Legislative Assembly, and Declaring an Emergency.

Also,

Senate Bill No. 256. A Bill for an Act to Amend and Re-enact Sections 4 and 28 of Chapter 157 of the Session Laws of North Dakota for 1927, Relating to the Occupation of Hairdressers and Cosmetologists, the Conduct of Schools for Hairdressers and Cosmetologists, and to Provide Penalties for Violation Thereof.

And the President signed the same in the presence of the Senate.

Senator Gronvold moved that the Senate do now recess until 9 o'clock tomorrow, which motion prevailed. The Senate stood recessed.

#### COURTESIES OF THE FLOOR

The courtesies of the floor were extended to: L. J. Morland, Twin Valley, Minn.; Helen Jacobson, Golden Valley; Clara Wagner, Wilton; G. H. Kalbfleish, J. L. Odette, H. H. Westlie, Minot; Theo. Clifford, Mohall; Ed Fiebiger, Carl Sward, Dunn Center; Charles Lyche, Grand Forks; C. P. Hauke, Rugby.

THOMAS McDONALD,  
Secretary.

FIFTY-EIGHTH DAY AFTER RECESS AND  
FIFTY-NINTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
March 4, 1937.

The Senate convened at 9:00 A. M., pursuant to recess taken, President Thoresen presiding.

The President announced the appointment of the following Conference Committee on House Bill No. 160: Senators Fine, Magoffin and Trout.

SECOND READING OF HOUSE BILLS

House Bill No. 59 was read the second time.

Senator Whelan moved that House Bill No. 59 be amended as follows:

In line 2, of Section 1, of the printed bill, found on page 601 of the House Journal, following the words "real estate" add the words: "or personal property".

In line 3, of Section 1, of the printed bill, page 601 of the House Journal, strike out the word "real" and insert in lieu thereof "such".

In line 3, of Section 3 of the printed bill as appears in the House Journal on Page 602, strike out the word "real".

Which motion prevailed.

Senator Ettestad moved that House Bill No. 59 be amended as follows:

In line 4, of Section 3, strike out the figures "1936" and insert the figures "1937".

Which motion prevailed.

Senator Brostuen moved that House Bill No. 59 be placed at the foot of the calendar.

Which motion prevailed.

Senator Whelan moved that House Bills No. 40, 100 and 240 be placed at the head of the calendar.

Which motion prevailed.

House Bill No. 40. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Penitentiary.

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, 41; nays, 0; absent and not voting, 8.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Owings
Bilden	Guthrie	Skarvold
Blaisdell	Kamrath	Strehlow
Brostuen	Kolpin	Streibel
Cain	Kroeber	Stucke
Coffey	Lavik	Thorson
Crandall	Lemke	Topp
Drew	Lian	Vinje
Ettestad	Lynn	Watt
Fine	Magoffin	Whelan
Fredrickson	McGillic	Williams
Gilbertson	Morrison	Wog
Greene	Mutchler	Young
Gronvold	Nelson, Barnes	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fowler	Lowe	Thatcher
Hulteng	Nelson, Grand Fks.	Trout
Johnson	Olson	

So the bill passed and the title was agreed to.

Senator Watt moved that the vote by which House Bill No. 40 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 100. A Bill for an Act Authorizing and Directing the Board of Administration of the State of North Dakota to Retouch and Repair the Portraits and Paintings of the Former Governors and Legislative Assemblies of North Dakota or Other Paintings and Portraits Having Been Damaged by Exposure to Moisture and Change of Temperature and Making an Appropriation. 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, 5; absent and not voting, 8.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Gronvold	Mutchler
Bilden	Guenther	Nelson, Barnes
Blaisdell	Guthrie	Olson
Brostuen	Kamrath	Skarvold
Cain	Kolpin	Strehlow
Crandall	Kroeber	Stucke
Drew	Lavik	Topp
Ettestad	Lian	Vinje
Fine	Lynn	Whelan
Fredrickson	Magoffin	Williams
Gilbertson	McGillic	Wog
Greene	Morrison	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Lemke	Streibel	Watt
Owings	Thorson	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Coffey	Johnson	Thatcher
Fowler	Lowe	Trout
Hulteng	Nelson, Grand Fks.	

So the bill passed, the title was agreed to, and the emergency clause carried.

Senator Gronvold moved that the vote by which House Bill No. 100 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 240. A Bill for an Act to Amend and Re-enact Section 1, Chapter 159, Session Laws for 1930, as Amended and Re-enacted by Chapter 130, Session Laws for the Year 1933, and as Again Amended and Re-enacted by Chapter 142 of the Session Laws for the Year 1935, Defining Imitation Ice Cream, Providing Penalty for Violation 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, 1; absent and not voting, 7.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Olson
Bilden	Guthrie	Owings

<b>Messrs.</b>	<b>Messrs.</b>	<b>Messrs.</b>
Blaisdell	Kolpin	Skarvold
Brostuen	Kroeber	Strehlow
Cain	Lavik	Streibel
Coffey	Lemke	Stucke
Crandall	Lian	Thorson
Drew	Lynn	Vinje
Ettestad	Magoffin	Watt
Fine	McGillic	Whelan
Fowler	Morrison	Williams
Gilbertson	Mutchler	Wog
Greene	Nelson, Barnes	Young
Gronvold	Nelson, Grand Fks.	

Those voting in the negative were:

**Messrs.**  
Topp

Absent and not voting:

<b>Messrs.</b>	<b>Messrs.</b>	<b>Messrs.</b>
Fredrickson	Kamrath	Thatcher
Hulteng	Lowe	Trout
Johnson		

So the bill passed, the title was agreed to, and the emergency clause carried.

Senator Guthrie moved that the vote by which House Bill No. 240 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Watt requested that the Senate return to the Seventh Order of Business.

Which request was granted.

Senator Watt moved that the vote by which House Bill No. 46 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Whelan moved that House Bills No. 334, 85, 312, 201, 228 and 248 be placed at the head of the calendar.

Which motion prevailed.

House Bill No. 334. A Bill for an Act Authorizing the Exchange of Coupon Bonds for Register Bonds of the State of North Dakota.

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, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Olson
Bilden	Guthrie	Owings
Blaisdell	Kolpin	Skarvold
Brostuen	Kroeber	Strehlow
Cain	Lavik	Streibel
Coffey	Lemke	Stucke
Crandall	Lian	Thorson
Drew	Lowe	Topp
Ettestad	Lynn	Vinje
Fine	Magoffin	Watt
Fowler	McGillic	Whelan
Fredrickson	Morrison	Williams
Gilbertson	Mutchler	Wog
Greene	Nelson, Barnes	Young
Gronvold	Nelson, Grand F'ks.	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Hulteng	Kamrath	Trout
Johnson	Thatcher	

So the bill passed and the title was agreed to.

Senator Whelan moved that the vote by which House Bill No. 334 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Strehlow moved that further consideration of House Bill No. 85 be indefinitely postponed.

Which motion prevailed.

Senator Blaisdell moved that the vote by which House Bill No. 85 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 312. A Bill for an Act Authorizing the State Highway Commissioner to Administer Feeder or Other Roads for Which Federal Appropriations Are Made.

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, 1; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Kolpin	Owings
Blaisdell	Kroeber	Skarvold



Messrs.	Messrs.	Messrs.
Brostuen	Lavik	Strehlow
Cain	Lemke	Streibel
Coffey	Lian	Stucke
Crandall	Lowe	Thatcher
Drew	Lynn	Trout
Ettestad	Magoffin	Vinje
Fowler	McGillic	Watt
Fredrickson	Morrison	Whelan
Gilbertson	Mutchler	Williams
Greene	Nelson, Barnes	Wog
Gronvold	Nelson, Grand Fks.	Young
Guenther		

Those voting in the negative were:

Messrs.  
Thorson

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fine	Johnson	Topp
Hulteng	Kamrath	

So the bill passed and the title was agreed to.

Senator Aasen moved that the vote by which House Bill No. 312 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 4, 1937.

Mr. Speaker: I have the honor to inform you that the President has appointed as a Conference Committee on House Bill No. 160, Senators Fine, Magoffin and Trout.

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### SECOND READING OF HOUSE BILLS

House Bill No. 201. A Bill for an Act Providing for the Regulation of Dealers in Livestock and Poultry and Defining Who are Dealers; Act Not Applicable, To Whom: License and Bond Required; Duties of Carrier When Shipment of Livestock and Poultry Offered; Powers and Duties of Railroad Commission; Acts of Deceit, Fraud, Dishonesty, and Appropriating Fees Collected to the Use of the Board of Railroad Commissioners for the Administration and Enforcement of the Act Authorizing the Board of Railroad Commissioners to Apply to the District Court for its Appointment as Trustee for the Benefit of Holders of Claims Against Livestock Dealers and Livestock or Poultry Pur-

chased by Said Dealers, and to Marshal the Trust Assets of Such Insolvent and Distribute Such Trust Assets Among Such Claimants; Penalty for Violation of Act; and, Repealing All of Chapter 2 of the Session Laws of the State of North Dakota for the year 1935; and Repealing All Acts in Conflict Herewith; and Making the Act an Emergency Measure.

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, 1; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Nelson, Grand Fks.
Bilden	Guthrie	Olson
Blaisdell	Kamrath	Owings
Brostuen	Kolpin	Skarvold
Cain	Kroeber	Strehlow
Coffey	Lavik	Streibel
Crandall	Lemke	Stucke
Drew	Lian	Thatcher
Ettestad	Lowe	Thorson
Fine	Lynn	Topp
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog

Those voting in the negative were:

Messrs.  
Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Hulteng	Johnson	Trout

So the bill passed, the title was agreed to, and the emergency clause was declared carried.

Senator Watt moved that the vote by which House Bill No. 201 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 228. A Bill for an Act Amending and Re-enacting Section 3836 of the Compiled Laws of North Dakota for 1913, Providing for Initiating and Enacting Into Law City Ordinance by Petition and Vote of Electors of Cities Under Commission Form of Government, and Cities Organized Under the General Law and Governed by a City Council, Providing Form of Ballot, Notice of Election, Re-

pealing All Acts in Conflict Therewith, 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, 24; nays, 22; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Greene	Olson
Bilden	Guthrie	Owings
Blaisdell	Kamrath	Skarvold
Brostuen	Kolpin	Streibel
Crandall	Kroeber	Stucke
Fine	Lavik	Whelan
Fowler	Magoffin	Wog
Gilbertson	Nelson, Grand Fks.	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Cain	Lian	Strehlow
Coffey	Lowe	Thatcher
Drew	Lynn	Thorson
Ettestad	McGillic	Topp
Fredrickson	Morrison	Vinje
Gronvold	Mutchler	Watt
Guenther	Nelson, Barnes	Williams
Lemke		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Hulteng	Johnson	Trout

So the bill was declared lost for want of a constitutional majority.

Senator Cain moved that the vote by which House Bill No. 228 was lost be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 248. A Bill for an Act Imposing an Excise Tax on Motor Vehicles for the Privilege of Using the Streets and Highways of This State; to Provide for the Collection of Such Tax; the Distribution and Use of the Revenue Derived Therefrom and the Administration of Said Law; Providing for Certain Exemptions; Fixing Fines and Penalties for the Violation of the Provisions of This Act; Defining Motor Vehicles and Declaring an Emergency.

Was read the second time.

Senator Fine moved that House Bill No. 248 be amended as follows:

At the end of Section 2 of the engrossed bill, add the following: "This act shall not apply to second hand motor vehicles."

Which motion was lost.

The President called Senator Wog, President pro tem, to the chair.

### ROLL CALL

The question being on the final passage of House Bill No. 248, as amended, the roll was called and there were ayes, 41; nays, 3; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Nelson, Grand Fks.
Bilden	Kamrath	Owings
Blaisdell	Kolpin	Skarvold
Brostuen	Kroeber	Strehlow
Cain	Lavik	Streibel
Coffey	Lemke	Stucke
Crandall	Lian	Topp
Drew	Lowe	Vinje
Ettestad	Lynn	Watt
Fowler	Magoffin	Whelan
Gilbertson	McGillic	Williams
Greene	Morrison	Wog
Gronvold	Mutchler	Young
Guenther	Nelson, Barnes	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Olson	Thatcher	Thorson

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fine	Hulteng	Trout
Fredrickson	Johnson	

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Senator Young moved that the vote by which House Bill No. 248 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, North Dakota,  
March 4, 1937.

Mr. President: I have the honor to inform you that the House has refused to adopt the report of the Conference Committee on Senate Bills 29, 30, 31, 32, 81 and 104 and the

THURSDAY, MARCH 4, 1937

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Speaker has appointed as a new Conference Committee Representatives Adam, Schimke and Hultstrand.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 4, 1937.

Mr. President: I have the honor to return herewith the following bills and resolutions:

Senate Bill No. 178. A Bill for an Act Making an Appropriation for Improvements and Repairs at the North Dakota Soldiers' Home at Lisbon, North Dakota.

Also,

Senate Bill No. 12. A Bill for an Act Making an Appropriation for the Per Diem, Salaries and General Expenses of the State Livestock Sanitary Board.

Also,

Senate Bill No. 10. A Bill for an Act Making an Appropriation for the Purpose of Carrying Out the Provisions of Sections 1471b1 to 1471b9 and 1471c1 to 1471c8 of the Supplement to the Compiled Laws of 1913.

Also,

Senate Bill No. 39. A Bill for an Act Making an Appropriation for the Care of Feeble Minded Whose Residence Cannot Be Determined and Whose Care Must Be Borne by the State.

Also,

SENATE CONCURRENT RESOLUTION "U".

Also,

SENATE CONCURRENT RESOLUTION "T".

Which the Speaker has signed.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 4, 1937.

Mr. President: I have the honor to transmit herewith the following:

HOUSE CONCURRENT RESOLUTION "D-1".

Also,

HOUSE CONCURRENT RESOLUTION "E-1".

Also,

House Bill No. 137. A Bill for an Act Amending and Re-enacting Section 7812 of the Compiled Laws of North Dakota for the Year 1913, as to the Furnishing of Surety for Costs in District Court Actions by Plaintiffs Who Are Non-Residents of the State or Foreign Corporations Other Than United States Corporations; and Declaring an Emergency.

Also,

House Bill No. 156. A Bill for an Act Levying a Tax of One-half of One Mill Upon Each Dollar of Assessed Valuation of All Taxable Property Within the State for the Years 1937 and 1938, for the Purpose of Paying the Interest and Creating a Sinking Fund for the Payment of the Principal of the North Dakota Real Estate Bonds Now Outstanding.

Also,

House Bill No. 130. A Bill for an Act to Amend and Re-enact Section 3264 of the Compiled Laws of North Dakota for 1913 Relating to the Term of Office of County Commissioners.

Also,

House Bill No. 123. A Bill for an Act Relating to Petitions by Patrons and Users of Services of Public Utility Companies for Reduction of Public Utility Rates, Authorizing Negotiations Touching Such Rates, Providing for Temporary Reductions or Increases in Rates, and for Refunds and Reparations, and Jurisdiction and Duties of the Board of Railroad Commissioners, and Declaring an Emergency, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Also,

House Bill No. 15. A Bill for an Act to Encourage the Investment of Moneys in the State of North Dakota, and to Encourage the Development of the Natural Resources of this State, and to Provide a Market for the Gas and Oil Deposits in this State, Including Those Owned by the State of North Dakota, and the Counties Thereof, and to Permit the Marketing of Such Natural Resources by Selling Natural Gas and Oil to the State, County, and School Districts, Upon Condition That the Seller Purchase From Actual Production or Produce in this State an Amount of Gas or Oil at Least Equivalent to the Amount it Delivers to Said State, County and School District Buildings, and Requiring Such Sellers to Make Reports of its Sale and Purchase and Production, Under Oath, and Providing a Penalty for Violation Thereof, and Repealing Acts in Conflict Herewith.

Also,

House Bill No. 249. A Bill for an Act Providing for the Collection of Real Property Taxes by the Collection of Rents from Such Property, Providing for the Duties of the District Court and the County Treasurer in Connection Therewith, Providing for the Service of the Court Order, the Application of Such Rents by the County Treasurer, Providing for Contempt for Failure to Comply with the Order of the Court,

Providing That the Payments of the Rent Under the Order Shall Have Precedence Over Prior and Subsequent Liens and Assignments, Providing for Appeals, Providing That the Remedy is in Addition to Other Remedies, Repealing All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

Which the Speaker has signed and your signature is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 4, 1937.

Mr. President: I have the honor to transmit herewith the following:

A copy of HOUSE CONCURRENT RESOLUTION "O".

Also,

House Bill No. 320. A Bill for an Act to Amend and Re-enact Section 5574 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to the Form of Certificates of Acknowledgment; Repealing All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Also,

House Bill No. 332. A Bill for an Act Creating Pensions for Disabled or Retired Policemen, Their Widows, and Children Under Sixteen Years of Age; Disabled or Retired Police Matrons and Their Children Under Sixteen Years of Age; and Widows of Policemen Who Die in the Service, and Their Children Under Sixteen Years of Age; in Cities Now or Hereafter Having a Population in Excess of Twenty-five (25,000) Thousand by the Last Official Census, Federal or State; and Providing for a Fund Out of Which Such Pensions Shall Be Paid; and for the Establishment of a Pension Board for the Management, Control and Distribution of Such Fund.

Also,

House Bill No. 214. A Bill for an Act to Validate Actions Heretofore Taken in Connection With Special Elections of the Question of Erecting Electric Light and Power Systems and Authorizing the Construction of Such Systems, and Declaring an Emergency.

Also,

House Bill No. 264. A Bill for an Act Authorizing, Directing and Empowering the Proper Officers of the State of North Dakota to Release Any Interest Which the State of North Dakota Has Against Lot Fifteen (15) and the North Half (N½) of Lot Fourteen (14) in Block Thirty-

Nine (39) of the Original Plat of the City of Jamestown, North Dakota, by Virtue of a Loan of \$5,000.00 Made by the State of North Dakota to Said Training School in the Year 1911, and Declaring an Emergency.

Also,

House Bill No. 136. A Bill for an Act to Amend and Re-enact Sections 5512, 5513, 5514 and 5515 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to Transfer of Interests of Real Estate by Corporations; Repealing All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

Also,

House Bill No. 260. A Bill for an Act to Repeal Sections 10133 and 10134 of the Compiled Laws of North Dakota of 1913 Being the Act Making it Unlawful to Advertise Intoxicating Liquors Within the State and Prescribing Penalty Therefor.

Also,

House Bill No. 204. A Bill for an Act Amending and Re-enacting Section 3274 of the 1913 Compiled Laws of North Dakota Relating to the Authority of County Commissioners to Sell County Real and Personal Property; Authorizing the County Commissioners to Reserve All or Any Part of the Oil, Gas, Coal and/or Mineral Rights in Land so Sold; Repealing All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

Also,

House Bill No. 221. A Bill for an Act Permitting and Authorizing the Adoption of Civil Service by Cities Having a Population in Excess of 4,000 According to the Latest Official Census, Federal or State; Providing for Such Adoption by Passage or Ordinance; When Not so Adopted, by Proceeding by Petition and Election Based Thereon; Providing for Abolishing Such Civil Service After Adoption by Vote of Electors; Prescribing Procedure With Respect There-to; and Penalties for Violations Hereof.

Also,

House Bill No. 33. A Bill for an Act to Establish Cream Grading and Testing; to Establish Grades of Cream Quality, Methods for Determining Such Grades and Provisions to Insure the Purchase of Cream on the Basis of Such Grade; to Establish Equitable Differentials of Value Between Grades; Establishing Necessary Licensing Provisions; Providing Penalties for Violation of the Act and Repealing Acts or Parts of Acts in Conflict Herewith.

Also,

House Bill No. 98. A Bill for an Act Directing the Board of Administration to Engage Competent Engineering Experts to Determine What Can Be Done to Remedy the Poor Hearing Qualities of the House Chamber and Advise on



Cost Thereof; Proceed to Have Same Done if at a Cost Not in Excess of \$2,500; Making an Appropriation, and Declaring an Emergency.

Which the Speaker has signed and your signature is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota.  
March 4, 1937.

Mr. Speaker: I have the honor to return herewith the following bills:

House Bill No. 85. A Bill for an Act to Provide for Public Display of the Specifications of Motor Gasoline Offered for Sale at Retail.

Also,

House Bill No. 167. A Bill for an Act Making an Appropriation to Cover a Deficit in the Office of Securities Commission; to Provide for Expenses Necessary to Carry on an Investigation Ordered by the Legislature; Making an Appropriation and Declaring an Emergency.

Also,

House Bill No. 228. A Bill for an Act Amending and Re-enacting Section 3836 of the Compiled Laws of North Dakota for 1913, Providing for Initiating and Enacting Into Law City Ordinance by Petition and Vote of Electors of Cities Under Commission Form of Government, and Cities Organized Under the General Law and Governed by a City Council, Providing Form of Ballot, Notice of Election, Repealing All Acts in Conflict Therewith, and Declaring an Emergency.

Also,

House Bill No. 308. A Bill for an Act to Make a Sales Tax a Replacement Tax and to Provide a Method of Replacement; Requiring the State Tax Commissioner to Issue Coupon Books to Be Accepted as Cash in Payment of Real and Personal Property Taxes, Providing a Method for the Sale of Coupon Books and Requiring the Coupons to Be Detached in the Presence of the Person Accepting the Coupons, and Declaring an Emergency.

Also,

House Bill No. 349. A Bill for an Act to Regulate the Employment of Teachers in State Institutions of Higher Learning, Fixing Conditions Under Which They May Be

Employed or Discharged From Their Positions; Providing for Probationary Periods; Providing for Hearing.

Also,

House Bill No. 364. A Bill for an Act Relating to the Sale of Cigarettes, Cigarette Papers, and Wrapper, Papers Used for the Making of Cigarettes, and Snuff; Providing for the Levy, Assessment, Collection and Payment of a Tax Thereon; Providing for the Regulation of the Sales Thereof; Providing Penalties for the Violation Thereof, Repealing Chapter 106, Session Laws of North Dakota for 1927, Chapter 105, Session Laws of North Dakota for 1931, Chapter 269, Session Laws of North Dakota for 1935, and All Acts or Parts of Acts in Conflict Therewith, and Declaring an Emergency.

Also,

CONCURRENT RESOLUTION "Y".

Which the Senate has indefinitely postponed.

Very respectfully,

THOMAS McDONALD,  
Secretary.

The Senate resumed consideration of House Bill No. 59, action on which had been deferred.

Senator Brostuen moved that House Bill No. 59 be amended as follows:

Strike out the word "adjusted" wherever it appears in the bill.

Strike out the word "adjustment" wherever it appears in the bill, and insert the word "agreement".

Which motion prevailed.

Senator Brostuen moved that the rules be suspended and House Bill No. 59 be placed upon Second Reading and Final Passage as amended.

Which motion prevailed.

#### SECOND READING OF HOUSE BILLS

House Bill No. 59. A Bill for an Act Providing for the Adjustment and Payments of Delinquent Taxes, 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, 41; nays, 5; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Nelson, Grand Fks.
Bilden	Kolpin	Owings

Messrs.	Messrs.	Messrs.
Blaisdell	Kroeber	Skarvold
Brostuen	Lavik	Strehlow
Cain	Lemke	Streibel
Coffey	Lian	Stucke
Crandall	Lowe	Thorson
Drew	Lynn	Topp
Ettestad	Magoffin	Vinje
Fowler	McGillic	Watt
Fredrickson	Morrison	Whelan
Gilbertson	Mutchler	Wog
Greene	Nelson, Barnes	Young
Guenther		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Gronvold	Olson	Williams
Guthrie	Thatcher	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fine	Johnson	Trout
Hulteng		

So the bill passed, the title was agreed to, and the emergency clause was declared carried.

Senator Brostuen moved that the vote by which House Bill No. 59 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 69. A Bill for an Act to Amend and Re-enact Section 2122a of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, as Amended by That Certain Initiated Measure Entitled: "An Act to Amend and Re-enact Chapter 59 of the Laws of North Dakota for the Year 1917, as Amended by Chapter 220 of the Laws of North Dakota, Enacted by the Regular Session of the Legislature, for the Year 1919, as Amended by Chapter 298 of the Laws of North Dakota for the Year 1923, the Same Being Section 2122a of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, Relating to the Basis from Seventy-five (75) Per Cent of the Full and True Value Thereof to Fifty (50) Per Cent of the Full and True Value Thereof, and Repealing All Acts or Parts of Acts in Conflict Herewith," Approved and Adopted by the Electors at the June 29, 1932, Primary Election, to Classify Property for Assessment at a Percentage of Its Value and Fix and Adopt Such Percentage of Values, Excepting Farm Buildings and Improvements from All Taxes, Repealing All Acts and Parts of Acts in Conflict Herewith 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, 23; nays, 20; absent and not voting, 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Lavik	Skarvold
Bilden	Lemke	Strehlow
Brostuen	McGillic	Streibel
Ettestad	Morrison	Stucke
Greene	Mutchler	Topp
Guenther	Nelson, Barnes	Vinje
Kamrath	Olson	Wog
Kolpin	Owings	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Gronvold	Thatcher
Cain	Kroeber	Thorson
Coffey	Lian	Watt
Crandall	Lowe	Whelan
Drew	Lynn	Williams
Fowler	Magoffin	Young
Gilbertson	Nelson, Grand Fks.	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fine	Guthrie	Johnson
Fredrickson	Hulteng	Trout

So the bill was lost for want of a constitutional majority.

#### MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 4, 1937.

Mr. Speaker: I have the honor to return herewith the following bills and resolutions:

House Bill No. 312. A Bill for an Act Authorizing the State Highway Commissioner to Administer Feeder or Other Roads for Which Federal Appropriations Are Made.

Also,

House Bill No. 359. A Bill for an Act to Amend and Re-enact Sections 3 of Chapter 257 of the 1933 Session Laws, Relating to Delinquency of Real Estate Taxes, Fixing Penalties; and Declaring an Emergency.

Also,

HOUSE CONCURRENT RESOLUTION NO. 356.

Which the Senate has passed unchanged.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarek, North Dakota,  
March 4, 1937.

Mr. Speaker: I have the honor to return herewith the following bills:

House Bill No. 100. A Bill for an Act Authorizing and Directing the Board of Administration of the State of North Dakota to Retouch and Repair the Portraits and Paintings of the Former Governors and Legislative Assemblies of North Dakota or Other Paintings and Portraits Having Been Damaged by Exposure to Moisture and Change of Temperature and Making an Appropriation. Emergency.

Also,

House Bill No. 107. A Bill for an Act to Amend and Re-enact Section 2572a of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Providing for the Settlement of the Expenses of Patients in the Hospital for the Insane, the Institution for the Feeble-Minded and State Tuberculosis Sanatorium, Between the Various Counties, the State and Such Institutions, Providing for Disputed Claims, Repealing All Acts in Conflict Therewith, and Declaring an Emergency.

Also,

House Bill No. 108. A Bill for an Act to Amend and Re-enact Section 2579 of the 1925 Supplement to the Compiled Laws of the State of North Dakota for 1913, Providing That the Expenses for the Treatment and Maintenance of Insane Persons in the State Hospital for the Insane Shall Be Charged Against the Estate of Such Persons, Providing for the Disposition of Property of Insane Persons, Repealing All Acts in Conflict Therewith and Declaring an Emergency.

Also,

House Bill No. 121. A Bill for the Use of Tax Reports of Public Utilities by the Board of Railroad Commissioners in Determining Valuations for Rate-Making Purposes.

Also,

House Bill No. 201. A Bill for an Act Providing for the Regulation of Dealers in Livestock and Poultry and Defining Who are Dealers; Act Not Applicable, To Whom: License and Bond Required; Duties of Carrier When Shipment of Livestock and Poultry Offered; Powers and Duties of Railroad Commission; Acts of Deceit, Fraud, Dishonesty, and Appropriating Fees Collected to the Use of the Board of Railroad Commissioners for the Administration and Enforcement of the Act Authorizing the Board of Railroad Commissioners to Apply to the District Court for its Appointment as Trustee for the Benefit of Holders of Claims Against Livestock Dealers and Livestock or Poultry Purchased by Said Dealers, and to Marshal the Trust Assets of Such Insolvent and Distribute Such Trust Assets Among Such Claimants; Penalty for Violation of Act; and, Repealing All of Chapter 2 of the Session Laws of the State of

North Dakota for the year 1935; and Repealing All Acts in Conflict Herewith; and Making the Act an Emergency Measure.

Also,

House Bill No. 207. A Bill for an Act to Amend and Re-enact Section 7297 of the Supplement to the 1913 Compiled Laws of North Dakota, as Amended by Chapter 165 of the Session Laws of North Dakota for 1927 Relating to Holidays.

Also,

House Bill No. 212. A Bill for an Act Requiring Certain Matters to Be Considered by the Board of Railroad Commissioners in Determining Rates to Be Allowed to Public Utilities Under Their Jurisdiction; Repeal.

Also,

House Bill No. 230. A Bill for an Act Prohibiting Electrical Power Companies From Charging a Deposit Upon Any Meter Installed Upon the Premises of Any User of Current Unless Interest Is Paid Annually Upon Such Deposit.

Also,

House Bill No. 240. A Bill for an Act to Amend and Re-enact Section 1, Chapter 159, Session Laws for 1930, as Amended and Re-enacted by Chapter 130, Session Laws for the Year 1933, and as Again Amended and Re-enacted by Chapter 142 of the Session Laws for the Year 1935, Defining Imitation Ice Cream, Providing Penalty for Violation and Declaring an Emergency.

Also,

House Bill No. 246. A Bill for an Act to Amend and Re-enact Section 2, of Chapter 141, of the 1927 Session Laws, Relating to the Prevention of Fraud and Deception in the Manufacture and Sale of Concentrated, Commercial Feeding Stuffs and Providing for Registration and Labeling Thereof and Repealing Acts in Conflict Therewith.

Which the Senate has passed unchanged.

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### SECOND READING OF HOUSE BILLS

House Bill No. 341. A Bill for an Act to Establish a Mouse River Valley Authority, and to Fix Its Powers and Duties.

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, 7; absent and not voting, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Skarvold
Bilden	Kamrath	Strehlow
Blaisdell	Kolpin	Streibel
Brostuen	Kroeber	Stucke
Cain	Lemke	Thatcher
Coffey	Lian	Thorson
Drew	Lowe	Topp
Ettestad	Lynn	Vinje
Fine	Magoffin	Whelan
Fowler	McGillic	Williams
Gilbertson	Mutchler	Wog
Gronvold	Nelson, Grand Fks.	Young
Guenther	Owings	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Crandall	Morrison	Olson
Greene	Nelson, Barnes	Watt
Lavik		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fredrickson	Johnson	Trout
Hulteng		

So the bill passed and the title was agreed to.

Senator Aasen moved that the vote by which House Bill No. 341 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Blaisdell moved that consideration of House Bill No. 125 be made a special order of business at three o'clock.

Which motion prevailed.

House Bill No. 141. A Bill for an Act Making it the Duty of the State Board of Equalization to Reassess Certain Classes of Property When Any General Tax Levied Against the Property Shall Be Adjudged Illegal and Non-enforceable or Shall Be Set Aside by Any State Court or Federal Court of Competent Jurisdiction and Limiting the Bringing of Actions Against the State for Recovery of Taxes Paid.

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, 9; absent and not voting, 3.

Those voting in the affirmative were:

<b>Messrs.</b>	<b>Messrs.</b>	<b>Messrs.</b>
Bilden	Gronvold	Nelson, Barnes
Blaisdell	Guenther	Nelson, Grand Fks.
Brostuen	Kamrath	Olson
Cain	Kolpin	Owings
Coffey	Kroeber	Skarvold
Crandall	Lavik	Streibel
Drew	Lemke	Stucke
Ettestad	Lian	Topp
Fine	Lynn	Vinje
Fowler	Magoffin	Whelan
Fredrickson	McGillic	Williams
Gilbertson	Morrison	Wog
Greene	Mutchler	

Those voting in the negative were:

<b>Messrs.</b>	<b>Messrs.</b>	<b>Messrs.</b>
Aasen	Strehlow	Watt
Guthrie	Thatcher	Young
Lowe	Thorson	

Absent and not voting:

<b>Messrs.</b>	<b>Messrs.</b>	<b>Messrs.</b>
Hulteng	Johnson	Trout

So the bill passed, the title was agreed to and the emergency clause was declared carried.

Senator Owings moved that the vote by which House Bill No. 141 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 4, 1937.

Mr. Speaker: I have the honor to transmit herewith the following:

SENATE CONCURRENT RESOLUTION "X".

Also,

SENATE CONCURRENT RESOLUTION "Y".

Which the Senate has passed and your favorable consideration is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### SECOND READING OF HOUSE BILLS

House Bill No. 150. A Bill for an Act to Amend and Re-



enact Section 5, of Chapter 166, of the 1929 Session Laws of the State of North Dakota, Relating to Tax on Motor Fuels and for the Distribution of the Revenues Derived from Said Tax.

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, 24; nays, 23; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Brostuen	Kamrath	Olson
Cain	Kolpin	Owings
Drew	Kroeber	Streibel
Ettestad	Lemke	Stucke
Fine	Lynn	Thatcher
Fredrickson	McGillic	Thorson
Greene	Morrison	Williams
Johnson	Mutchler	Wog

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Skarvold
Bilden	Guthrie	Strehlow
Blaisdell	Lavik	Topp
Coffey	Lian	Vinje
Crandall	Lowe	Watt
Fowler	Magoffin	Whelan
Gilbertson	Nelson, Barnes	Young
Gronvold	Nelson, Grand Fks.	

Absent and not voting:

Messrs.	Messrs.
Hulteng	Trout

So the bill was declared lost.

House Bill No. 219. A Bill for an Act Requiring the Adjutant General to Secure Information and Keep Records of and Concerning the Burial Places of Deceased War Veterans Who Died in or Are Buried in the State of North Dakota and to Provide Methods and Means of Performing This Duty.

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, 2; absent and not voting, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Olson
Bilden	Kolpin	Owings

Messrs.	Messrs.	Messrs.
Blaisdell	Kroeber	Skarvold
Brostuen	Lavik	Streibel
Cain	Lemke	Stucke
Coffey	Lian	Thatcher
Crandall	Lowe	Thorson
Drew	Lynn	Topp
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Guenther	Nelson, Barnes	Wog
Guthrie	Nelson, Grand Fks.	Young
Johnson		

Those voting in the negative were:

Messrs.	Messrs.
Ettestad	Strehlow

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fine	Hulteng	Trout
Gronvold		

So the bill passed and the title was agreed to.

Senator Cain moved that the vote by which House Bill No. 219 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, North Dakota,  
March 4, 1937.

Mr. President: I have the honor to return herewith the following bills:

Senate Bill No. 167. A Bill for an Act to Amend and Re-enact Section 1 of Chapter 236 of the Session Laws of the State of North Dakota for the Year 1933, Relating to Common School Transportation; and Declaring an Emergency.

Also,

Senate Bill No. 206. A Bill for an Act to Amend and Re-enact Chapter 158, Session Laws of 1933, Relating to Foreclosure of Mortgages by Advertisement.

Also,

Senate Bill No. 66. A Bill for an Act to Regulate the Operation of Pharmacies, Require the Obtaining of Permit Therefor, Prescribing Certain Requirements with Respect Thereto, Providing for Rules and Regulations to Be Formu-

lated by the North Dakota Board of Pharmacy; and Prescribing Penalties for Violation Thereof.

Which the House has indefinitely postponed.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 4, 1937.

Mr. President: I have the honor to return Senate Concurrent Resolution "H" which the House has amended on page 1599 of House Journal.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 4, 1937.

Mr. President: I have the honor to return herewith the following bills:

Senate Bill No. 11. A Bill for an Act Making an Appropriation for the Purpose of Paying a Bounty on Wolves and Coyotes as Provided for Under Sections 2645 to 2656, Inclusive, of the Supplement to the Compiled Laws of 1913 as Amended by Chapter 283, Session Laws of 1927, and as Amended by Chapter 9, Session Laws of 1933, and as Amended by Chapter 7, Session Laws of 1935; and Magpie Bounty as Provided for by Section 2656b1 to 2656b9, Inclusive, of the Supplement to the 1913 Compiled Laws of North Dakota; and Declaring an Emergency.

Also,

Senate Bill No. 142. A Bill for an Act to Amend and Re-enact Chapter 81 of the Session Laws for the Year 1933, Relating to Bonds from Contractors on Public Improvements; Repealing Section 6835 of the Compiled Laws for the Year 1913, and All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Also,

Senate Bill No. 194. A Bill for an Act to Regulate the Business of Selling Used Motor Vehicles by Dealers Not Residing in or Having a Permanent Place of Business in This State, and by Resident Dealers Purchasing, Handling and Selling Used Motor Vehicles Received or Acquired From Non-Resident Dealers; Requiring the Registration of All Used Motor Vehicles Brought Into This State for the Purpose of Sale to Be Registered With the Motor Vehicle Registrar, and Requiring All Such Dealers to Execute and Deliver to Each Purchaser a Bond Indemnifying the Purchaser Against Failure

of Title, Breach of Warranty or Fraudulent Misrepresentation; Requiring Delivery of a Certificate of Title and Providing Penalties for the Violation of the Provisions of This Act.

Also,

Senate Bill No. 187. A Bill for an Act Providing for Establishing, on Petition, of Temporary and Permanent Farm and Rural Home Advisory Councils, Under Whose Guidance Shall Be Conducted Agricultural, Home Economics and 4-H Club Programs, Providing for the Levy of an Annual Tax Therefor and for Term of Office of Council, Manner of Creating and Provision for Traveling Expense of Permanent Council, for the Appointment of Extension Agents, the Budgeting of Expenses and for Procedure to Discontinue Levy for Agricultural, Home Economics, and 4-H Club Programs in Any County, Providing for Applicability of This Act to Counties Where the County Extension Work Has Been Provided and is Being Conducted Under the Statutes in Force Prior to the Enactment of This Act, and for the Discontinuance in Such Counties Within a Fixed Period of the County Work so Performed Under Former Statutes, and Repealing Section 3259A of the 1925 Supplement to the Compiled Laws of 1913 and All Acts or Parts of Acts in Conflict Herewith.

Also,

Senate Bill No. 180. A Bill for an Act Providing for a Compact Between the States of Minnesota, South Dakota and North Dakota, Authorizing the Creation of a Tristate Waters Commission With Power to Supervise the Utilization and Control of the Waters of That Portion of the Drainage Basin of the Red River of the North Lying Within Minnesota, South Dakota and North Dakota.

Also,

Senate Bill No. 175. A Bill for an Act to Amend and Re-enact Section 1373, Session Laws of 1911, Chapter 266.

Which the House has passed unchanged.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota.  
March 4, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bills:

Senate Bill No. 15. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the Department of Public Health.

Also,

Senate Bill No. 16. A Bill for an Act Making an Appropri-

ation for the Purpose of Paying Salary, Clerkhire and General Expenses of the Public Health Laboratories.

Also,

Senate Bill No. 22. A Bill for an Act Amending and Re-enacting Section 2 of Chapter 222 of the Session Laws of 1931.

Also,

Senate Bill No. 40. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the State Seed Department.

Also,

Senate Bill No. 73. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, New Building, Equipment and Miscellaneous Items for the Grafton State School at Grafton, North Dakota.

Also,

Senate Bill No. 91. A Bill for an Act to Amend and Re-enact Section 9660 of the Compiled Laws of 1913 Defining a Lottery.

Which the President has signed and your signature is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
March 4, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bills:

Senate Bill No. 105. A Bill for an Act to Amend and Re-enact Section 8, of Chapter 108, of the Session Laws of 1935, Relating to Credit Unions in the State of North Dakota.

Also,

Senate Bill No. 111. A Bill for an Act Authorizing Municipalities to Acquire, Construct, Re-construct, Improve, Better, and Extend Certain Revenue-producing Undertakings; to Maintain and Operate the Same and to Prescribe, Revise and Collect Rates, Fees, Tolls, and Charges for the Services, Facilities, and Commodities Furnished Thereby, and, in Anticipation of the Collection of the Revenues Thereof, to Issue Bonds Payable Solely From Such Revenues; Regulating the Issuance of Such Bonds and Providing for Their Payment and for the Rights of the Holders Thereof, and Other Matters Necessary in the Premises; and Declaring an Emergency.

Also,

Senate Bill No. 112. A Bill for an Act Simplifying the Procedure for the Construction and Financing of Public Works Projects by Municipalities, Enabling Municipalities to Make and Perform Contracts With Federal Agencies Relating to the Construction and Financing of Such Projects and Conferring Additional Power Upon Municipalities; and Declaring an Emergency.

Also,

Senate Bill No. 173. A Bill for an Act Amending and Re-enacting Section 30, of Chapter 96, of the Session Laws of the State of North Dakota for the Year 1931, Relating to Reserve Funds of State Banking Associations.

Also,

Senate Bill No. 176. A Bill for an Act to Amend and Re-enact Section 1370, Session Laws of 1911, Chapter 266, as Amended by Chapter 239, Session Laws of 1927.

Also,

Senate Bill No. 179. A Bill for an Act to Provide for the Conservation, Protection, Improvement and Profitable Use of Agricultural Land Resources of the State of North Dakota and for Co-operation with the Governments and Agencies of Other States and of the United States Pursuant to the Provisions of Section 7 of an Act of the Congress of the United States Known as the Soil Conservation and Domestic Allotment Act, to Assent to and Accept the Provisions of Said Act; and, in Conformity With the Provisions of Said Act, to Designate and Authorize the North Dakota Agricultural College, Extension Service as the State Agency of This State in Conformity With Such Provisions, to Formulate, Submit to the Secretary of Agriculture of the United States, and Administer, State Plans to Carry Out the Provisions of This Act, to Define the Powers and Duties of said State Agency, to Provide for State Committee and Otherwise to Provide for the Administration of This Act.

Which the President has signed and your signature is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
March 4, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bills:

Senate Bill No. 192. A Bill for an Act Making an Appropriation for a Pension for Mrs. Thelma Crites, Widow of National Guardsman John E. Crites.

Also,

Senate Bill No. 212. A Bill for an Act Providing for the

Cancellation and Release of Gas and Oil Leases Which Have Expired by the Terms Thereof and Have Not Been Renewed of Record Within Five Years After the Expiration Thereof, and Declaring an Emergency.

Also,

Senate Bill No. 239. A Bill for an Act Authorizing and Directing the State Historical Society of North Dakota to Sell to the United States Government Lands Acquired for Park Purposes at Arrowood Lake in Stutsman County, North Dakota and Providing for Manner of Disposing of Funds Accruing From Said Sale, and Declaring an Emergency.

Also,

Senate Bill No. 245. A Bill for an Act Directing the Board of Railroad Commissioners to Test Electric Meters of Electric Utility Companies and Gas Meters of Gas Utility Companies, and to Determine the Heat Values of Natural and/or Artificial Gas Distributed by Public Gas Utility Companies, and Making an Appropriation for Testing Equipment Therefor, and Declaring an Emergency.

Also,

Senate Bill No. 246. A Bill for an Act, Providing for the Issuance by the Industrial Commission of Certificates of Indebtedness in Anticipation of the Collection of Property Taxes, Which Have Been Levied by the State Board of Equalization; Prescribing the Terms and Conditions Hereof; Providing for Their Sale and Delivery and Payment; Establishing of the Certificate of Indebtedness Retirement Fund, and Repealing All Acts or Parts of Acts Inconsistent With the Provisions of This Act, and Declaring an Emergency.

Which the President has signed and your signature is respectfully requested.

Very respectfully,

THOMAS McDONALD.  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
March 4, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bills:

Senate Bill No. 247. A Bill for an Act Making an Appropriation for Payment of a Deficit in the Amount Appropriated for Payment of Per Diem of Employees of Twenty-Fifth Legislative Assembly, and Declaring an Emergency.

Also,

Senate Bill No. 248. A Bill for an Act to Encourage and Promote the Payment of Taxes By Providing for a Rebate On Payments.

Also,

Senate Bill No. 252. A Bill for an Act to Amend and Re-enact Section 2, of Chapter 274, of the Session Laws of North Dakota for the Year 1935, Relating to the Deduction of Delinquent Personal Property Taxes from Salaries or Other Compensation of Elective and Appointive Officers, Agents and Employees of the State of North Dakota, All Bureaus, Boards, Commissions and Departments, and All Persons Receiving Public Funds and Extending the Application Thereof to Persons Receiving, Claiming or Demanding Money from Municipalities and Political Sub-divisions Within the State.

Also,

Senate Bill No. 256. A Bill for an Act to Amend and Re-enact Sections 4 and 28 of Chapter 157 of the Session Laws of North Dakota for 1927, Relating to the Occupation of Hairdressers and Cosmetologists, the Conduct of Schools for Hairdressers and Cosmetologists, and to Provide Penalties for Violation Thereof.

Which the President has signed and your signature is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

House Bill No. 112. A Bill for an Act to Prohibit the Operating of Motion Picture Theaters Which Are Owned, Controlled, Managed, or Operated, in Whole or in Part, by Producers or Distributors of Motion Picture Films, or in Which Such Producers or Distributors Have Any Interest.

Was read the second time.

Senator Whelan moved that House Bill No. 112 be amended as follows:

Strike out all of Section 2, on page 2 of the printed bill.

Change Section 3 to Section 2, Section 4 to Section 3, Section 5 to Section 4, Section 6 to Section 5, Section 7 to Section 6.

At the end of the new Section 2, being Section 3 of the printed bill, strike out the period in line 7 after the word "otherwise", insert a semi-colon and the following clause: "Provided, that this Act shall not apply to any producer or distributor, as defined in this Act, as to any motion picture business in which he was engaged or interested in this State on January 1st, 1937, but said producer or distributor shall not be permitted under the terms of this Act to engage in



any new motion picture theatre enterprises as herein defined in which he was not engaged or interested on January 1st, 1937."

Which motion lost.

**ROLL CALL**

The question being on the final passage of House Bill No. 112, the roll was called and there were ayes, 37; nays, 9; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Olson
Bilden	Kamrath	Owings
Blaisdell	Lemke	Skarvold
Coffey	Lian	Strehlow
Crandall	Lowe	Streibel
Drew	Lynn	Stucke
Ettestad	Magoffin	Thatcher
Fine	McGillic	Thorson
Fredrickson	Morrison	Topp
Greene	Mutchler	Vinje
Gronvold	Nelson, Barnes	Watt
Guenther	Nelson, Grand Fks.	Young
Guthrie		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Brostuen	Gilbertson	Lavik
Cain	Kolpin	Whelan
Fowler	Kroeber	Wog

Absent and not voting:

Messrs.	Messrs.	Messrs.
Hulteng	Trout	Williams

So the bill passed and the title was agreed to.

Senator McGillic moved that the vote by which House Bill No. 112 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 299. A Bill for an Act to Amend and Re-enact Section 860 of the Compiled Laws of North Dakota for the Year 1913; 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, 26; nays, 21; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Lemke	Stucke
Brostuen	Magoffin	Thatcher
Drew	Morrison	Thorson
Ettestad	Mutchler	Topp
Greene	Nelson, Barnes	Trout
Johnson	Olson	Vinje
Kamrath	Owings	Williams
Kolpin	Skarvold	Wog
Lavik	Streibel	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Fredrickson	Lowe
Blaisdell	Gilbertson	McGillic
Cain	Gronvold	Nelson, Grand Fks.
Coffey	Guenther	Strehlow
Crandall	Guthrie	Watt
Fine	Kroeber	Whelan
Fowler	Lian	Young

Absent and not voting:

Messrs.	Messrs.
Hulteng	Lynn

So the bill passed and the title was agreed to.

Senator Fine: I change my vote from "aye" to "no" for the purpose of reconsideration.

#### 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. 85, Senate Bill No. 113.

And find the same correctly enrolled.

WILLIAM KROEBER,  
Chairman.

Senator Kroeber moved that the report be adopted, which motion prevailed and the report was adopted.

#### SECOND READING OF HOUSE BILLS

House Bill No. 193. A Bill for an Act Requiring Boards of County Commissioners or Any Other Public Board in Poor Relief Cases to Employ Medical, Osteopathic, Chiropractic Physicians, or Other Legally Licensed Practitioners of the State of North Dakota, in Treatment of Indigent Persons According to the Preference of Such Persons; Repealing Acts or Parts of Acts in Conflict Herewith 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, 21; nays, 24; absent and not voting, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kroeber	Olson
Brostuen	Lavik	Owings
Coffey	Lemke	Skarvold
Ettestad	Lowe	Streibel
Greene	Morrison	Thorson
Kamrath	Nelson, Barnes	Trout
Kolpin	Nelson, Grand Fks.	Williams

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Bilden	Gronvold	Stucke
Blaisdell	Guenther	Thatcher
Cain	Guthrie	Topp
Crandall	Johnson	Vinje
Drew	Lian	Watt
Fine	Lynn	Whelan
Fowler	Magoffin	Wog
Gilbertson	Strehlow	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fredrickson	McGillic	Mutchler
Hulteng		

So the bill was declared lost.

Senator Gilbertson moved that the vote by which House Bill No. 193 was passed be reconsidered and the motion to reconsider be laid on the table.

Roll call was demanded and granted.

## ROLL CALL

The question being on the motion of Senator Gilbertson, the roll was called and there were ayes, 21; nays, 25; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Cain	Gilbertson	Nelson, Barnes
Coffey	Gronvold	Nelson, Grand Fks.
Crandall	Guenther	Stucke
Drew	Guthrie	Topp
Fine	Lian	Vinje
Fowler	Lynn	Watt
Fredrickson	Magoffin	Williams

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Kroeber	Strehlow
Bilden	Lavik	Streibel
Blaisdell	Lemke	Thatcher
Brostuen	Lowe	Thorson
Ettestad	Morrison	Trout
Greene	Olson	Whelan
Johnson	Owings	Wog
Kamrath	Skarvold	Young
Kolpin		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Hulteng	McGillic	Mutchler

So the motion was lost.

Senators Watt, Young and Whelan introduced:

SENATE RESOLUTION "Q". Providing for the appointment of a committee to make an investigation with respect to assessments upon employees of various state departments, particularly the central office of the State Highway Department and the Motor Vehicle Registrar, providing the officials in charge of such departments be required to immediately file with the Senate a statement showing names and salaries paid in such departments for the months of December, 1936, and January and February, 1937.

Senator Watt moved that the resolution be adopted.

Which motion prevailed.

The President appointed the following Senators on such Investigating Committee: Senators Young, Watt and Whelan.

Senator Cain moved that the Senate do now recess until one o'clock P. M., which motion prevailed. The Senate stood recessed.

The Senate reconvened at 1:00 P. M. pursuant to recess taken, President Thoresen presiding.

#### MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 4, 1937.

Mr. Speaker: I have the honor to inform you that House Bill No. 334 which was messaged to you today as unamended by the Senate, had in fact been amended as shown by Senate Journal, page 1292.

Very respectfully,

THOMAS McDONALD,  
Secretary.

THURSDAY, MARCH 4, 1937

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Senate Chamber,  
Bismarck, North Dakota,  
March 4, 1937.

Mr. Speaker: I have the honor to inform you that House Bill No. 248 which the Senate messaged to you erroneously as passed unchanged, had been amended. Amendments are on page 1285 of Senate Journal.

Very respectfully,

THOMAS McDONALD,  
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 Bills No. 10 and 12, Senate Bills No. 39 and 178, Senate Concurrent Resolutions "U" and "T", were delivered to the Governor for his approval at the hour of 11:22 o'clock A. M., March 4, 1937.

WILLIAM KROEBER,  
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 resolution:

SENATE CONCURRENT RESOLUTION "O".

And find the same correctly enrolled.

WILLIAM KROEBER,  
Chairman.

Senator Kroeber moved that the report be adopted, which motion prevailed, and the report was adopted.

MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 4, 1937.

Mr. Speaker: I have the honor to return House Bill No. 46, House Bill No. 106, House Bill No. 126, House Bill No. 217, and House Bill No. 239, which the Senate has amended as follows: House Bill No. 46, Senate Journal page 1314 and 1352; House Bill No. 106, Senate Journal page 1310; House Bill No. 126, Senate Journal page 1162 and 1310; House Bill No. 217, Senate Journal 1163, and House Bill No. 239, Senate Journal page 1164.

Very respectfully,

THOMAS McDONALD,  
Secretary.

## SECOND READING OF HOUSE BILLS

House Bill No. 247. A Bill for an Act to Amend and Re-enact Section Six (6) of That Certain Initiated Law Adopted by the Voters of the State of North Dakota at the Special Election Held September 22, 1933, entitled as Follows: "An Act Defining and Providing for the Manufacture, Sale and Distribution of Beer, Providing Revenue Therefrom, and Licenses Therefor, Prohibiting the Transfer of Licenses, Excluding Certain Persons from the Right to Purchase the Same, Appointing a State Beer Commissioner and Defining His Powers, Duties, and Salary; Authorizing Cities, Villages and County Commissioners to Provide a Local Tax and Prescribe Rules and Regulations Under Which Beer May Be Sold and Authorizing Municipalities to Provide Penalties for Violation of Their Regulations; Providing for the Administrative Expense of This Act; Making it Unlawful for Any Person to engage in the Manufacture or Sale of Beer Without First Obtaining a License Therefor; Providing a Penalty for the Violation of the Provision Thereof; Providing for a Saving Clause as to Constitutionality; and Repealing All Acts or Parts of Acts in Conflict With This Act, and Making an Appropriation to Carry Out the Provisions Hereof," and Declaring an Emergency.

Was read the second time.

Senator Johnson moved that House Bill No. 247 be amended as follows:

On page 3 of the printed bill, line 25, following the semi-colon strike out the balance of the section and insert in lieu thereof the following: "provided, however, that the net amount of moneys received and collected under this Act between the first day of April, 1937, and the first day of April, 1939, after the payment of the expenses of administering this Act, shall be credited by the State Treasurer to the State Public Welfare Fund for use by the Public Welfare Board in carrying out the duties and powers imposed upon it by law."

Roll call demanded and granted.

## ROLL CALL

The question being on the motion of Senator Johnson to amend House Bill No. 247, the roll was called and there were ayes, 20; nays, 27; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Lemke	Trout
Brostuen	Nelson, Barnes	Vinje
Drew	Nelson, Grand Fks.	Watt
Fine	Olson	Williams
Johnson	Owings	Wog
Kroeber	Skarvold	Young
Lavik	Streibel	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Bilden	Greene	Magoffin
Blaisdell	Gronvold	McGillic
Cain	Guenther	Morrison
Coffey	Guthrie	Mutchler
Crandall	Kamrath	Strehlow
Ettestad	Kolpin	Stucke
Fowler	Lian	Thorson
Fredrickson	Lowe	Topp
Gilbertson	Lynn	Whelan

Absent and not voting:

Messrs.	Messrs.
Hulteng	Thatcher

So the amendment was declared lost.

Senator Blaisdell moved that House Bill No. 247 be amended as follows:

Strike out all of the second paragraph of the amendment of the standing committee which begins with the words: "In line 2, page 2," found on page 1101 of the Senate Journal.

Roll call demanded and granted.

#### ROLL CALL

The question being on the motion of Senator Blaisdell to amend House Bill No. 247, the roll was called and there were ayes, 28; nays, 20; absent and not voting, 1.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Guthrie	Nelson, Grand Fks.
Cain	Kamrath	Strehlow
Coffey	Kroeber	Thorson
Crandall	Lavik	Topp
Ettestad	Lian	Trout
Fowler	Lowe	Watt
Fredrickson	Lynn	Whelan
Gilbertson	Magoffin	Wog
Gronvold	McGillic	Young
Guenther		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Kolpin	Skarvold
Bilden	Lemke	Streibel
Brostuen	Morrison	Stucke
Drew	Mutchler	Thatcher
Fine	Nelson, Barnes	Vinje
Greene	Olson	Williams
Johnson	Owings	

Absent and not voting:

Messrs.
Hulteng

So the amendment was adopted.

Senator Fowler moved that House Bill No. 247 be placed upon second reading and final passage, as amended.

Which motion prevailed.

House Bill No. 247. A Bill for an Act to Amend and Re-enact Section Six (6) of That Certain Initiated Law Adopted by the Voters of the State of North Dakota at the Special Election Held September 22, 1933, Entitled as Follows: "An Act Defining and Providing for the Manufacture, Sale and Distribution of Beer, Providing Revenue Therefrom, and Licenses Therefor, Prohibiting the Transfer of Licenses, Excluding Certain Persons from the Right to Purchase the Same, Appointing a State Beer Commissioner and Defining His Powers, Duties, and Salary; Authorizing Cities, Villages and County Commissioners to Provide a Local Tax and Prescribe Rules and Regulations Under Which Beer May Be Sold and Authorizing Municipalities to Provide Penalties for Violation of Their Regulations; Providing for the Administrative Expense of This Act; Making it Unlawful for Any Person to Engage in the Manufacture or Sale of Beer Without First Obtaining a License Therefor; Providing a Penalty for the Violation of the Provision Thereof; Providing for a Saving Clause as to Constitutionality; and Repealing All Acts or Parts of Act in Conflict With This Act, and Making an Appropriation to Carry Out the Provisions Hereof," 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, 32; nays, 16; absent and not voting, 1.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Gronvold	Mutchler
Bilden	Guenther	Nelson, Grand Fks.
Blaisdell	Guthrie	Owings
Cain	Kamrath	Streibel
Coffey	Kolpin	Stucke
Crandall	Lian	Thorson
Ettestad	Lowe	Topp
Fowler	Lynn	Watt
Fredrickson	Magoffin	Wog
Gilbertson	McGillic	Young
Greene	Morrison	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Brostuen	Lemke	Thatcher
Drew	Nelson, Barnes	Trout
Fine	Olson	Vinje
Johnson	Skarvold	Whelan
Kroeber	Strehlow	Williams
Lavik		



Absent and not voting:

Messrs.

Hulteng

So, lacking a two-thirds vote necessary to amend an initiated measure, the bill was declared lost.

President Thoresen: The Chair is confronted with this proposition: some time ago in this Senate, the same Act which is under consideration, came up for amendment. The Chair ruled upon the passage of that bill that the bill had failed to pass because it did not receive the constitutional two-thirds majority. That decision was based upon an opinion rendered by the Attorney General of the state which is on record in the Senate Journal.

Since that time the Attorney General has attempted to distinguish, and possibly reverse, the former opinion. The Chair feels that once having placed his hand upon the plow that he should not turn back, and in fairness to those who were interested in the passage of the other measure, the decision of the Chair must be that House Bill No. 247 has failed to pass because it lacks the two-thirds majority required to amend an initiated measure.

You, of course, have the privilege of appealing from the decision of the Chair.

Senator Fowler appealed from the decision of the Chair.

Roll call demanded and granted.

ROLL CALL

The question being on the appeal from the decision of the President, the roll was called and there were ayes, 29; nays, 19; absent and not voting, 1.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Guenther	Mutchler
Blaisdell	Guthrie	Nelson, Grand Fks.
Cain	Kamrath	Owings
Coffey	Kolpin	Strehlow
Crandall	Lian	Thatcher
Fowler	Lowe	Thorson
Fredrickson	Lynn	Topp
Gilbertson	Magoffin	Watt
Greene	McGillic	Young
Gronvold	Morrison	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Lavik	Stucke
Brostuen	Lemke	Trout
Drew	Nelson, Barnes	Vinje
Ettestad	Olson	Whelan

Messrs.	Messrs.	Messrs.
Fine	Skarvold	Williams
Johnson	Streibel	Wog
Kroeber		

Absent and not voting:

Messrs.  
Hulteng

The decision of the President was over-ruled and House Bill No. 247 was passed and the title was agreed to, and the emergency clause was declared carried.

Senator Blaisdell moved that the vote by which House Bill No. 247 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, North Dakota,  
March 4, 1937.

Mr. President: I have the honor to return herewith enrolled Senate Bills No. 246, 248 and 40, which the House messaged to the Senate in error as "unchanged" when they were each amended.

The House respectfully requests the return of Senate Bills 246, 248 and 40.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House Chamber,  
Bismarck, North Dakota,  
March 4, 1937.

Mr. President: I have the honor to request the return of Senate Bill No. 253.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### 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. 11, Senate Bill No. 142, Senate Bill No. 194, and find the same correctly enrolled.

WILLIAM KROEBER,  
Chairman.

Senator Kroeber moved that the report be adopted, which motion prevailed and the report was adopted.

#### REPORTS OF STANDING COMMITTEES

The Committee on Appropriations made the following report:

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 7, have had the same under consideration and recommend that the same be amended as follows:

In line 6, of the printed bill, after the words "have been," insert the following language: "or shall hereafter be".

And when so amended recommend the same do pass.

B. W. LEMKE,  
Chairman.

Senator Lemke moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Public Health made the following report:

Mr. President: Your Committee on Public Health to whom was referred House Bill No. 253, have had the same under consideration and recommend that the same be amended as follows:

Page 6, paragraph "Seventh," in line 43 of the printed bill, strike out the word "including" and insert the word "and".

In Section 1, line 17, on page 2 of the printed bill, after the word "body" insert a semicolon in place of the period, and add the following: "provided, however, that the term "drug" shall include soap only when medicinal or curative qualities are claimed therefor."

And when so amended recommend the same do pass.

E. C. STUCKE,  
Chairman.

Senator Stucke moved that the report be adopted, which motion prevailed and the report was adopted.

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 350, have had the same under consideration and recommend that the same be indefinitely postponed.

J. P. CAIN,  
Chairman.

Senator Cain moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Cain moved that the vote by which House Bill No. 350 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

## MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
March 4, 1937.

Mr. President: I have the honor to transmit herewith the following bill:

House Bill No. 353. A Bill for an Act Making an Emergency Appropriation to Provide for Aid for Livestock Feeds for Farmers in Drouth Stricken Counties of This State; Providing for the Distribution of This Appropriation by the Public Welfare Board; and Declaring an Emergency.

Which the Speaker has signed and your signature is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

## REPORT OF STANDING COMMITTEES

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 185, have had the same under consideration and report in same without recommendation.

J. P. CAIN,  
Chairman.

Senator Cain moved that the bill go on calendar.

Which motion prevailed.

The committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 346, have had the same under consideration and recommend that the same be amended as follows:

Strike out everything after the words "A Bill" and insert in lieu thereof the following:

"For an Act to provide for the incorporation of co-operative, non-profit, membership corporations to engage in rural electrification by furnishing electric energy to persons in rural areas who are not receiving central station service, assisting in the wiring of premises of persons in rural areas or the acquisition, supply or installation of electrical or plumbing equipment therein, and/or furnishing electric energy, wiring facilities, electrical or plumbing equipment, or services to any other corporation organized under this Act or to the members thereof; to provide for the rights, powers and duties of such corporations, including the right to use the highways and other property of the state and to exercise the power of eminent domain; to provide for the creation of corporate indebtedness by such corpora-

tions without limitation as to amount or proportion thereof; to provide an exemption of such corporations from certain excise taxes; to provide a limited exemption of such corporations, and the securities of such corporations, from the Securities Commission Act; to provide for the extension of this Act to existing corporations; and Declaring an Emergency.

*Be It Enacted By the Legislative Assembly of the State of North Dakota:*

“Section 1. SHORT TITLE.) This Act may be cited as the ‘Electric Co-operative Corporation Act.’

“Section 2. DEFINITIONS.) In this Act, unless the context otherwise requires:

“(1) ‘Corporation’ means a corporation organized pursuant to the provisions of this Act.

“(2) ‘Board’ means a board of directors of a corporation organized under this Act.

“(3) ‘Member’ means the incorporators of a corporation and each person thereafter lawfully admitted to membership therein.

“(4) ‘Federal agency’ includes the United States of America and any department, administration, commission, board, bureau, office, establishment, agency, authority, or instrumentality of the United States of America heretofore or hereafter created.

“(5) ‘Person’ includes any natural person, firm, association, corporation, business trust, partnership, Federal agency, State or political subdivision thereof or any body politic.

“(6) ‘Acquire’ means and includes construct, acquire by purchase, lease, devise, gift, or other mode of acquisition.

“(7) ‘Obligations’ include bonds, notes, debentures, interim certificates or receipts, and all other evidences of indebtedness issued by a corporation.

“(8) ‘Rural area’ means any area not included within the boundaries of any incorporated or unincorporated city, town, village or borough, having a population in excess of twenty-five hundred inhabitants, and includes both the farm and non-farm population thereof.

“Section 3. PURPOSE.) Co-operative, non-profit, membership corporations may be organized under this Act for the purpose of engaging in rural electrification by any one or more of the following methods:

“(1) The furnishing of electric energy to persons in rural areas who are not receiving central station service.

“(2) Assisting in the wiring of the premises of persons in rural areas or the acquisition, supply, or installation of electrical or plumbing equipment therein.

"(3) The furnishing of electric energy, wiring facilities, electrical or plumbing equipment or services to any other corporation organized under this Act or to the members thereof.

"Section 4. POWERS OF CORPORATION.) Each corporation shall have power:

"(1) To sue and be sued, complain and defend, in its corporate name.

"(2) To have perpetual succession unless a limited period of duration is stated in its articles of incorporation.

"(3) To adopt a corporate seal which may be altered at pleasure, and to use it, or a facsimile thereof, as required by law.

"(4) To generate, manufacture, purchase, acquire and accumulate electric energy and to transmit, distribute, sell, furnish and dispose of such electric energy to its members only, and to construct, erect, purchase, lease as lessee and in any manner acquire, own, hold, maintain, operate, sell, dispose of, lease as lessor, exchange and mortgage plants, buildings, works, machinery, supplies, equipment, apparatus, and transmission and distribution lines or systems necessary, convenient or useful.

"(5) To assist its members only to wire their premises and install therein electrical and plumbing fixtures, machinery, supplies, apparatus and equipment of any and all kinds and character, and in connection therewith and for such purposes, to purchase, acquire, lease, sell, distribute, install and repair electrical and plumbing fixtures, machinery, supplies, apparatus and equipment of any and all kind and character and to receive, acquire, endorse, pledge, hypothecate and dispose of notes, bonds, and other evidences of indebtedness.

"(6) To furnish to other corporations organized under this Act, or to the members thereof, electric energy, wiring facilities, electrical and plumbing equipment and services convenient or useful.

"(7) To acquire, own, hold, use, exercise and, to the extent permitted by law, to sell, mortgage, pledge, hypothecate and in any manner dispose of franchises, rights, privileges, licenses, rights-of-way and easements necessary, useful or appropriate.

"(8) To purchase, receive, lease as lessee, or in any other manner acquire, own, hold, maintain, sell, exchange and use any and all real and personal property or any interest therein.

"(9) To borrow money and otherwise contract indebtedness, to issue its obligations therefor, and to secure the payment thereof by mortgage, pledge, or deed of trust of all or any of its property, assets, franchises, revenues or income.

"(10) To sell and convey, mortgage, pledge, lease as lessor and otherwise dispose of all or any part of its property and assets.

"(11) In connection with the acquisition, construction, improvement, operation or maintenance of its lines, to use any highway, or any right-of-way, easement or other similar property right, owned or held by the State or any political subdivision thereof.

"(12) To have and exercise the power of eminent domain for the purpose and in the manner provided by the condemnation laws of this State for acquiring private property for public use, such right to be paramount except as to property of the State, or any political subdivision thereof.

"(13) To accept gifts or grants of money, services or property, real or personal.

"(14) To make any and all contracts necessary or convenient for the exercise of the powers granted in this Act.

"(15) To fix, regulate and collect rates, fees, rents, or other charges for electric energy and any other facilities, supplies, equipment, or services furnished by the corporation.

"(16) To conduct its business, and have offices within or without this State.

"(17) To elect or appoint officers, agents and employees of the corporation, and to define their duties and fix their compensation.

"(18) To make and alter by-laws, not inconsistent with the articles of incorporation or with the laws of this State, for the administration and regulation of the affairs of the corporation.

"(10) To do and perform, either for itself or its members, or for any other corporation organized under this Act, or for the members thereof, any and all acts and things, and to have and exercise any and all powers as may be necessary, convenient, or appropriate to effectuate the purpose for which the corporation is organized.

"Section 5. INCORPORATORS.) Any three or more natural persons of the age of twenty-one years or more, residents of this State, may act as incorporators of a corporation to be organized under this Act by executing articles of incorporation as hereinafter provided in this Act.

"Section 6. ARTICLES OF INCORPORATION.)

"(a) The articles of incorporation shall state:

"(1) The name of the corporation, which name shall include the words 'Electric Cooperative' and the word 'Corporation', 'Incorporated', 'Inc.', or 'Company' and the name shall be such as to distinguish it from any other corporation organized and existing under the laws of this State.

"(2) The purpose for which the corporation is formed.

"(3) The names and addresses of the incorporators who shall serve as directors and manage the affairs of the corporation until its first annual meeting of members, or until their successors are elected and qualify.

"(4) The number of directors, not less than three, to be elected at the annual meetings of members.

"(5) The address of its principal office and the name and address of its agent upon whom process may be served.

"(6) The period of duration of the corporation, which may be perpetual.

"(7) The terms and conditions upon which persons shall be admitted to membership and retain membership in the corporation, but if expressly so stated the determination of such matters may be reserved to the directors by the by-laws.

"(8) Any provisions, not inconsistent with law, which the incorporators may choose to insert, for the regulation of the business and the conduct of the affairs of the corporation.

"(b) It shall not be necessary to set forth in the articles of incorporation any of the corporate powers enumerated in this Act.

"Section 7. PROHIBITION ON USE OF WORDS 'ELECTRIC COOPERATIVE.') The words 'Electric Cooperative' shall not be used in the corporate name of corporations organized under the laws of this State, or authorized to do business herein, other than those organized pursuant to the provisions of this Act.

"Section 8. EXECUTION, FILING AND RECORDING OF ARTICLES OF INCORPORATION.) The original copy of the articles of incorporation shall be signed by the incorporators and acknowledged before any officer authorized by the law of this State to acknowledge the execution of deeds and conveyances. It shall be filed in the office of the Secretary of State. If the Secretary of State finds that the articles of incorporation conform to law, he shall, when the fees prescribed by this Act have been paid:

"(1) Endorse on the original copy the word 'Filed,' and the month, day and year of the filing thereof.

"(2) File the original in his office.

"(3) Issue a certificate of incorporation to the incorporators.

Section 9. EFFECT OF ISSUANCE OF CERTIFICATES OF INCORPORATION.) Upon the issuance of a certificate of incorporation by the Secretary of State, the corporate existence of the corporation shall begin. The certificate of incorporation shall be conclusive evidence, except as against the State, that all conditions precedent required to be performed by the incorporators have been complied with and that the corporation has been incorporated under this Act.

"Section 10. ORGANIZATION MEETING.) After the issuance of the certificate of incorporation, an organization meeting shall be held, at the call of a majority of the incorporators, for the purpose of adopting by-laws and electing officers and for the transaction of such other business as may properly come before the meeting. The incorporators



calling the meeting shall give at least three days' notice thereof by mail to each incorporator, which notice shall state the time and place of the meeting but such notice may be waived in writing.

"Section 11. BY-LAWS.) The power to make, alter, amend, or repeal the by-laws of the corporation shall be vested in the board of directors. The by-laws may contain any provisions for the regulation and management of the affairs of the corporation not inconsistent with law or the articles of incorporation.

"Section 12. QUALIFICATION OF MEMBERS.) All persons in rural areas proposed to be served by a corporation, who are not receiving central station service, shall be eligible to membership in a corporation. No person other than the incorporators shall be, become or remain a member of a corporation unless such person shall use or agree to use electric energy or, as the case may be, the facilities, supplies, equipment, and services furnished by a corporation. A corporation organized under this Act may become a member of another such corporation and may avail itself fully of the facilities and services thereof.

"Section 13. MEETINGS OF MEMBERS.)

"(a) Meetings of members may be held at such place as may be provided in the by-laws. In the absence of any such provision, all meetings shall be held in the principal office of the corporation in this State.

"(b) An annual meeting of the members shall be held at such time as may be provided in the by-laws. Failure to hold the annual meeting at the designated time shall not work forfeiture or dissolution of the corporation.

"(c) Special meetings of the members may be called by the president, by the board of directors, by a petition signed by not less than one-tenth of all the members or by such other officers or persons as may be provided in the articles of incorporation or by the by-laws.

"Section 14. NOTICE OF MEMBERS' MEETINGS.) Written or printed notice stating the place, day, and hour of the meeting of members and, in the case of a special meeting, the purpose or purposes for which the meeting is called, shall be delivered not less than ten nor more than thirty days before the date of the meeting, either personally or by mail, by or at the direction of the president or the secretary, or the officers or persons calling the meeting, to each member of record entitled to vote at such meeting. If mailed, such notice shall be deemed to be delivered when deposited in the United States mails in a sealed envelope addressed to the member at his address as is appears on the records of the corporation, with postage thereon prepaid. Notice of meetings of members may be waived in writing.

"Section 15. VOTING BY MEMBERS.) Each member present shall be entitled to one and only one vote on each matter submitted to a vote at a meeting of members, but voting by proxy or by mail may be provided for in the by-laws.

"Section 16. CERTIFICATE OF MEMBERSHIP.) When a member of a corporation has paid the membership fee in full, a certificate of membership shall be issued to such member. Memberships in the corporation and the certificates shall be non-transferable. The certificate of membership shall be surrendered to the corporation upon the resignation, expulsion or death of the member.

"Section 17. QUORUM OF MEMBERS.) Unless otherwise provided in the articles of incorporation, a majority of the members, present in person or represented by proxy, shall constitute a quorum for the transaction of business at a meeting of members, but if voting by mail is provided for in the by-laws, members so voting shall be counted as if present.

"Section 18. BOARD OF DIRECTORS.) The business and affairs of a corporation shall be managed by a board of directors, not less than three in number, which shall exercise all the powers of the corporation except such as are conferred upon the members by this Act, by the articles of incorporation or by the by-laws of the corporation. The by-laws may prescribe qualifications for directors.

"Section 19. ELECTION, QUALIFICATION AND COMPENSATION OF DIRECTORS.) The directors, other than those named in the certificate of incorporation to serve until the first annual meeting of members, shall be elected annually or as otherwise provided in the by-laws, by the members. The directors shall be members of the corporation and shall be entitled to such compensation and reimbursement for expenses actually and necessarily incurred by them as may be provided in the by-laws.

"Section 20. VACANCIES.) Any vacancy occurring in the board, and any directorship to be filled, shall be filled as provided in the by-laws by persons who shall serve until directors may be regularly elected as provided for in this Act.

"Section 21. QUORUM OF DIRECTORS.) A majority of the board shall constitute a quorum for the transaction of business unless a greater number is required by the articles of incorporation or the by-laws. The act of the majority of the directors, present at a meeting at which a quorum is present, shall be the act of the board, unless the act of a greater number is required by the articles of incorporation or the by-laws.

"Section 22. DIRECTORS' MEETINGS.) Meetings of the board, regular or special, shall be held at such place and upon such notice as the by-laws may prescribe. Attendance of a director at any meeting shall constitute a waiver of notice of such meeting except where a director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted at, nor the purpose of, any regular or special meeting of the board of directors need be specified in the notice or waiver of notice of such meeting.

"Section 23. OFFICERS, AGENTS and EMPLOYEES.)

"(a) The board shall elect from its number a president, a

vice-president, a secretary and a treasurer, but the same person may be elected to the office of secretary and treasurer. The powers and duties of the foregoing officers, as well as their term of office and compensation, shall be provided for in the by-laws.

“(b) The board shall appoint such other officers, agents and employees as it deems necessary and fix their powers, duties and compensation.

“(c) Any officer, agent or employee, elected or appointed by the board, may be removed by it whenever in its judgment the best interests of the corporation will be served.

“Section 24. EXECUTIVE COMMITTEE.) Any corporation may, by its by-laws, provide for an executive to be elected from and by its board of directors. To such committee may be delegated the management of the current and ordinary business of the corporation, and such other duties as the by-laws may prescribe, but the designation of such committee and the delegation thereto of authority shall not operate to relieve the board of directors, or any member thereof, of any responsibility imposed upon it or him by this Act.

“Section 25. NON-PROFIT OPERATION.)

“(a) Each corporation shall be operated without profit to its members but the rates, fees, rents or other charges for electric energy and any other facilities, supplies, equipment, or services furnished by the corporation shall be sufficient at all times.

“(1) To pay all operating and maintenance expenses necessary or desirable for the prudent conduct of its business and the principal and interest on the obligations issued or assumed by the corporation in the performance of the purpose for which it was organized, and

“(2) For the creation of reserves.

“(b) The revenues of the corporation shall be devoted first to the payment of operating and maintenance expenses and the principal and interest on outstanding obligations, and thereafter to such reserves for improvement, new construction, depreciation and contingencies as the board may from time to time prescribe.

“(c) Revenues not required for the purposes set forth in subsection (b) of this section shall be returned from time to time to the members on a pro rata basis according to the amount of business done with each during the period, either in cash, in abatement of current charges for electric energy, or otherwise as the board determines; but such return may be made by way of general rate reduction to members, if the board so elects.

“Section 26. AMENDMENT OF ARTICLES OF INCORPORATION.) A corporation may amend its articles of incorporation by a majority vote of the members, present in person or by proxy at any regular meeting, or at any special meeting, of its members called for that purpose.

The power to amend shall include the power to accomplish any desired change in the provisions of its articles of incorporation and to include any purpose, power or provision which would be authorized to be included in original articles of incorporation if executed at the time the amendment is made. Articles of amendment signed by the president or vice-president, and attested by the secretary certifying to such amendment and its lawful adoption shall be executed, acknowledged, filed and recorded in the same manner as the original articles of incorporation of a corporation organized under this Act; and as soon as the Secretary of State shall have accepted the articles of amendment for filing and recording, and issued a certificate of amendment, the amendment or amendments shall be in effect.

“Section 27. CONSOLIDATION.)

“(a) Any two or more corporations may enter into an agreement for the consolidation of such corporations. The agreement shall set forth the terms and conditions of the consolidation, the name of the proposed consolidated corporation, the number of its directors, not less than three, the time of the annual meeting and election, and the name of at least three persons to be directors until the first annual meeting. If such agreement is approved by the votes of a majority of the members of each corporation, present in person or by proxy at any regular meeting, or at any special meeting, of its members called for that purpose, the directors named in the agreement shall sign and acknowledge as incorporators articles of consolidation conforming substantially to original articles of incorporation of a corporation organized under this Act.

“(b) The articles of consolidation shall be executed, acknowledged, filed and recorded in the same manner as the original articles of incorporation of a corporation organized under this Act. As soon as the Secretary of State shall have accepted the articles of consolidation for filing and recording and issued a certificate of consolidation, the proposed consolidated corporation, described in the articles under its designated name, shall be and become a body corporate, with all of the powers of a corporation as originally organized hereunder.

“Section 28. DISSOLUTION.)

“(a) Any corporation may dissolve by majority vote of the members, present in person or by proxy at any regular meeting, or at any special meeting, of its members called for that purpose. A certificate of dissolution shall be signed by the president or vice-president and attested by the secretary, certifying to such dissolution and stating that they have been authorized to execute and file such certificate by votes cast in person or by proxy by a majority of the members of the corporation. A certificate of dissolution shall be executed, acknowledged, filed and recorded in the same manner as the original articles of incorporation of a corporation organized under this Act and as soon as the Secretary of State shall have accepted

the certificate of dissolution for filing and recording and issued a certificate of dissolution, the corporation shall be deemed to be dissolved.

“(b) Such corporation shall, however, continue for the purpose of paying, satisfying, and discharging any existing liabilities or obligations and collecting or liquidating its assets, and doing all other acts required to adjust and wind up its business and affairs, and may sue and be sued in its corporate name. Any assets remaining after all liabilities or obligations of the corporation have been satisfied or discharged shall be distributed pro rata among the members of the corporation at the time of the filing of the certificate of dissolution.

“(c) Any corporation which purports to have been incorporated or re-incorporated under this Act but which has not complied with all of the requirements for legal corporate existence may nevertheless file a certificate of dissolution in the same manner as a validly existing corporation. The certificate of dissolution, in such case, may be authorized by a majority of the incorporators or directors at a meeting called by any incorporator upon ten days' notice mailed to the last known postoffice address of each incorporator or director, and held at the principal office of the corporation named in the articles of incorporation.

“Section 29. FEES.) The Secretary of State shall charge and collect for:

“(1) Filing articles of incorporation and issuing a certificate of incorporation, 13 dollars.

“(2) Filing of articles of amendment and issuing a certificate of amendment, 6 dollars.

“(3) Filing articles of consolidation and issuing a certificate with respect thereto, 13 dollars.

“(4) Filing articles of dissolution, 3 dollars.

“Section 30. EXEMPTION FROM EXCISE TAXES—LICENSE FEE.) Corporations formed hereunder shall pay annually, on or before July first, to the Secretary of State, a fee of \$10 for each 100 members or fraction thereof, but shall be exempt from all other excise taxes of whatsoever kind or nature.

“Section 31. LIMITED EXEMPTION FROM SECURITIES ACT.) Whenever any corporation organized under this Act shall have received an allotment of funds or borrowed money from any Federal agency, the obligations issued to secure the payment of such money or the issuance of membership certificates shall be exempt from the provisions of the Securities Act (Chapter 182, Laws of North Dakota, 1923, as amended), nor shall the provisions of said Act apply to the issuance of membership certificates.

“Section 32. DEFECTIVELY ORGANIZED CORPORATIONS.) In the event any corporation has filed defective articles of incorporation or has failed to do all things neces-

sary to perfect its corporate organization, it may, nevertheless, file corrected articles of incorporation or amend the original articles and do not perform all acts and things necessary in the premises for the correction of such defects. The action so taken shall be valid and binding upon all persons concerned and the capacity of such corporation to file corrected articles of incorporation or amendments to the original articles, or to do and perform all acts and things necessary in the premises shall not be questioned.

"Section 33. ACT EXTENDED TO EXISTING CORPORATIONS.) Any existing cooperative or non-profit corporation or association, organized under any other law of this State, for the purpose of engaging in rural electrification, may, by a majority vote of the members, present in person or by proxy, at a meeting called for that purpose, amend its articles of incorporation so as to comply with this Act.

"Section 34. CONSTRUCTION OF ACT.) This Act shall be construed liberally. The enumeration of any object, purpose, power, manner, method or thing shall not be deemed to exclude like or similar objects, purposes, powers, manners, methods or things.

"Section 35. SEPARABILITY OF PROVISIONS.) If any provision of this Act, or the application of such provision to any person or circumstance is held invalid, the remainder of the Act and the application of such provisions to other persons or circumstances shall not be effected thereby.

"Section 36. ACT COMPLETE IN ITSELF.) This Act is complete in itself and shall be controlling. The provisions of any other law of this State, except as provided in this Act, shall not apply to a corporation organized under this Act.

"Section 37. EFFECTIVE DATE.) An emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

J. P. CAIN,  
Chairman.

Senator Cain moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Lowe moved that the Senate do now adjourn, which motion prevailed. The Senate stood adjourned.

THOMAS McDONALD,  
Secretary.

#### FIFTY-NINTH DAY

Senate Chamber,  
Bismarck, North Dakota,  
March 4, 1937.

The Senate convened at 2:00 P. M., pursuant to adjournment, the President presiding.

Prayer by the Chaplain, Rev. F. E. Logee, Bismarck.

Roll Call: All members present except Senator Hulteng. Senator Thorson moved the absent Senator be excused. Which motion prevailed.

**REPORT OF COMMITTEE ON CORRECTION AND REVISION OF THE JOURNAL**

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 Fifty-seventh Day after recess and the Fifty-eighth Day and recommend that the same be corrected as follows:

On page 1368, line 6 from bottom of page, correct spelling of the name "Streibel".

On page 1372, line 8, strike out the word "be".

On page 1391, line 21 correct spelling of the word "package".

And when so corrected recommend that the same be approved.

**C. C. MORRISON,**  
Chairman.

Senator Owings moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Strehlow moved that the President appoint a man to look after the mailing of the Journals two years hence to facilitate the mailing of Journals at the beginning of the Session.

The Chair stated the motion would be entertained with the thought in mind that the term of service of the present chief mailing clerk should extend two or three days into the next session, and that the 25th Legislative Assembly recommend to the 26th Legislative Assembly that they compensate him for such period.

The motion prevailed.

Senator Blaisdell moved that the Senate request the Governor to return to the Senate, Senate Bills No. 52, 53, 54, 57 and 58, for further consideration.

Which motion prevailed.

Senator Fine moved that House Bill No. 168 be placed at the head of the calendar.

Which motion prevailed.

Senator Gronvold moved that the Senate concur in the House amendments to Senate Bill No. 248.

Which motion prevailed.

Senator Gronvold moved that the rules be suspended and Senate Bill No. 248 be considered properly re-engrossed, and placed upon Second Reading and Final Passage, as amended.

Which motion prevailed.

### SECOND READING OF SENATE BILLS

Senate Bill No. 248. A Bill for an Act to Encourage and Promote the Payment of Taxes By Providing for a Rebate On Payments.

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, 5; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Nelson, Grand Fks.
Bilden	Guthrie	Olson
Blaisdell	Kamrath	Skarvold
Brostuen	Kolpin	Strehlow
Cain	Lavik	Stucke
Drew	Lemke	Thatcher
Ettestad	Lian	Topp
Fine	Lowe	Vinje
Fowler	Lynn	Watt
Fredrickson	Magoffin	Whelan
Gilbertson	McGillic	Williams
Greene	Morrison	Wog
Gronvold	Mutchler	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Johnson	Owings	Thorson
Nelson, Barnes	Streibel	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Coffey	Hulteng	Trout
Crandall	Kroeber	

So the bill passed and the title was agreed to.

Senator Gronvold moved that the vote by which Senate Bill No. 248 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Thatcher moved that the Senate do not concur in the House amendments to Senate Concurrent Resolution "H," and that a Conference Committee be appointed.

Which motion prevailed.



The President appointed the following Conference Committee on Senate Concurrent Resolution "H": Senators Thatcher, Lian and Trout.

Senator Stucke moved that the request of the House for the return of Senate Bill No. 253 be granted.

Which motion prevailed.

#### MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
March 4, 1937.

Mr. President: I have the honor to return herewith the following bills:

Senate Bill No. 105. A Bill for an Act to Amend and Re-enact Section 8, of Chapter 108, of the Session Laws of 1935, Relating to Credit Unions in the State of North Dakota.

Also,

Senate Bill No. 91. A Bill for an Act to Amend and Re-enact Section 9660 of the Compiled Laws of 1913 Defining a Lottery.

Also,

Senate Bill No. 73. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, New Building, Equipment and Miscellaneous Items for the Grafton State School at Grafton, North Dakota.

Also,

Senate Bill No. 22. A Bill for an Act Amending and Re-enacting Section 2 of Chapter 222 of the Session Laws of 1931.

Also,

Senate Bill No. 16. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the Public Health Laboratories.

Also,

Senate Bill No. 15. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the Department of Public Health.

Which the Speaker has signed and your signature is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House Chamber,  
Bismarck, North Dakota,  
March 4, 1937.

Mr. President: I have the honor to transmit herewith the following:

HOUSE CONCURRENT RESOLUTION "I".

Also,

Senate Bill No. 256. A Bill for an Act to Amend and Re-enact Sections 4 and 28 of Chapter 157 of the Session Laws of North Dakota for 1927, Relating to the Occupation of Hairdressers and Cosmetologists, the Conduct of Schools for Hairdressers and Cosmetologists, and to Provide Penalties for Violation Thereof.

Also,

Senate Bill No. 252. A Bill for an Act to Amend and Re-enact Section 2, of Chapter 274, of the Session Laws of North Dakota for the Year 1935, Relating to the Deduction of Delinquent Personal Property Taxes from Salaries or Other Compensation of Elective and Appointive Officers, Agents and Employees of the State of North Dakota, All Bureaus, Boards, Commissions and Departments, and All Persons Receiving Public Funds and Extending the Application Thereof to Persons Receiving, Claiming or Demanding Money from Municipalities and Political Sub-divisions Within the State.

Also,

Senate Bill No. 247. A Bill for an Act Making an Appropriation for Payment of a Deficit in the Amount Appropriated for Payment of Per Diem of Employees of Twenty-Fifth Legislative Assembly, and Declaring an Emergency.

Also,

Senate Bill No. 245. A Bill for an Act Directing the Board of Railroad Commissioners to Test Electric Meters of Electric Utility Companies and Gas Meters of Gas Utility Companies, and to Determine the Heat Values of Natural and/or Artificial Gas Distributed by Public Gas Utility Companies, and Making an Appropriation for Testing Equipment Therefor, and Declaring an Emergency.

Also,

Senate Bill No. 239. A Bill for an Act Authorizing and Directing the State Historical Society of North Dakota to Sell to the United States Government Lands Acquired for Park Purposes at Arrowood Lake in Stutsman County, North Dakota and Providing for Manner of Disposing of Funds Accruing From Said Sale, and Declaring an Emergency.

Also,

Senate Bill No. 212. A Bill for an Act Providing for the Cancellation and Release of Gas and Oil Leases Which Have Expired by the Terms Thereof and Have Not Been Renewed of Record Within Five Years After the Expiration Thereof, and Declaring an Emergency.

Also,

Senate Bill No. 192. A Bill for an Act Making an Appropriation for a Pension for Mrs. Thelma Crites, Widow of National Guardsman John E. Crites.

Also,

Senate Bill No. 179. A Bill for an Act to Provide for the Conservation, Protection, Improvement and Profitable Use of Agricultural Land Resources of the State of North Dakota and for Co-operation with the Governments and Agencies of Other States and of the United States Pursuant to the Provisions of Section 7 of an Act of the Congress of the United States Known as the Soil Conservation and Domestic Allotment Act, to Assent to and Accept the Provisions of Said Act; and, in Conformity With the Provisions of Said Act, to Designate and Authorize the North Dakota Agricultural College, Extension Service as the State Agency of This State in Conformity With Such Provisions, to Formulate, Submit to the Secretary of Agriculture of the United States, and Administer, State Plans to Carry Out the Provisions of This Act, to Define the Powers and Duties of said State Agency, to Provide for State Committee and Otherwise to Provide for the Administration of This Act.

Also,

Senate Bill No. 176. A Bill for an Act to Amend and Re-enact Section 1370, Session Laws of 1911, Chapter 266, as Amended by Chapter 239, Session Laws of 1927.

Also,

Senate Bill No. 173. A Bill for an Act Amending and Re-enacting Section 30, of Chapter 96, of the Session Laws of the State of North Dakota for the Year 1931, Relating to Reserve Funds of State Banking Associations.

Also,

Senate Bill No. 112. A Bill for an Act Simplifying the Procedure for the Construction and Financing of Public Works Projects by Municipalities, Enabling Municipalities to Make and Perform Contracts With Federal Agencies Relating to the Construction and Financing of Such Projects and Confering Additional Power Upon Municipalities; and Declaring an Emergency.

Also,

Senate Bill No. 111. A Bill for an Act Authorizing Municipalities to Acquire, Construct, Re-construct, Improve, Better, and Extend Certain Revenue-producing Undertakings; to Maintain and Operate the Same and to Prescribe, Revise and

Collect Rates, Fees, Tolls, and Charges for the Services, Facilities, and Commodities Furnished Thereby, and, in Anticipation of the Collection of the Revenues Thereof, to Issue Bonds Payable Solely From Such Revenues; Regulating the Issuance of Such Bonds and Providing for Their Payment and for the Rights of the Holders Thereof, and Other Matters Necessary in the Premises; and Declaring an Emergency.

Which the Speaker has signed and your signature is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 4, 1937.

Mr. President: I have the honor to transmit herewith the following bills:

House Bill No 353. A Bill for an Act Making an Emergency Appropriation to Provide for Aid for Livestock Feeds for Farmers in Drouth Stricken Counties of This State; Providing for the Distribution of This Appropriation by the Public Welfare Board; and Declaring an Emergency.

Also,

House Bill No. 357. A Bill for an Act to Apply and Make Applicable the Provisions of the House Bill No. 32 of the Twenty-Fifth Legislative Assembly and Chapter 195 of the Laws of 1935 as Amended by House Bill Number 32 Afore-said, to "Warrants for Emergency Poor Relief" Issued Pursuant to Chapter 120 of the Laws of 1935 and Issued Prior to January 1st, 1939.

Also,

House Bill No. 173. A Bill for an Act to Amend and Re-enact Section 7 of Chapter 152 of the Session Laws of North Dakota for 1935, Relating to the Licensing of Resident Agents for Surety and Insurance Companies Other Than Life Insurance Companies; and Declaring an Emergency.

Also,

House Bill No. 203. A Bill for an Act to Amend and Re-enact Section 201 of the 1935 Session Laws Relating to Limiting the Hours of Employment of Municipal Employees, Fixing the Penalty for Violation Thereof, and Repealing All Acts and Parts of Acts in Conflict Therewith, and Declaring an Emergency.

Also,

House Bill No. 324. A Bill for an Act to Amend and Re-enact Section 4400 of the Supplement to the 1913 Compiled Laws of North Dakota, Relating to the Affirmative Proof Required in Divorce Actions.

Also,

House Bill No. 311. A Bill for an Act Authorizing the State Treasurer to Execute on Behalf of the State Satisfactions of Mortgages on National Guard Armories in the State of North Dakota Given in Accordance With the Provisions of Chapter 174 of the Session Laws of North Dakota for 1907 and Amendments Thereto, and Declaring an Emergency.

Also,

House Bill No. 304. A Bill for an Act to Provide for the Assessment of Car Line Companies, Express Companies, Pipe Line Companies, and Air Transportation Companies. Providing for the Allocation of the Tax to the State of North Dakota; and Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Also,

House Bill No. 291. A Bill for an Act for the Protection of Health and Prevention of Fraud and Deception in Cosmetics; for the Prevention of Adulteration, Misbranding and False Advertising Thereof; Requiring Labeling Thereof; Providing for the Enforcement of the Provisions of the Act; and to Provide Penalties for the Violation Thereof.

Also,

House Bill No. 250. A Bill for an Act to Amend and Re-enact Section 635 of the 1913 Compiled Laws of the State of North Dakota With Reference to Availability of Appropriations, Repealing All Acts in Conflict, and Declaring an Emergency.

Also,

House Bill No. 234. A Bill for an Act Requiring All Licensed Liquor Dealers to Make Available Reports, Records, Vouchers, Books, and Other Documents to the State Treasurer; Providing for Examination; Providing Penalties for Delinquencies and for Violations.

Also,

House Bill No. 233. A Bill for an Act Declaring That All Beer and Ale Manufactured or Sold in the State of North Dakota Containing 4%, or Less, of Alcohol by Weight, Shall Be Controlled by and Subject to the Provisions of the State Laws Relating to 3.2 Alcohol Content Beer; Declaring an Emergency.

Also,

House Bill No. 209. A Bill for an Act to Protect Trade Mark Owners, Distributors and the Public Against Injurious and Uneconomic Practices in the Distribution of Articles of Standard Quality Under a Distinguished Trade Mark, Brand or Name.

Also,

House Bill No. 196. A Bill for an Act to Amend and Re-enact Section 189c14 of the Supplement to the Compiled Laws

of 1913 as Amended and Re-enacted by Section 12 of Chapter 153 Session Laws of 1935 Relating to Collection of Premiums for Fire and Tornado Insurance on Public Buildings and Investment by the State Treasurer, and Declaring an Emergency.

Also,

House Bill No. 163. A Bill for an Act to Amend and Re-enact Section 4969, Compiled Laws of North Dakota for 1931; Requiring Accident and Sickness Insurance Corporations, Associations or Societies to Have and Maintain Admitted Assets of \$5,000.00; Repealing All Acts or Parts of Acts in Conflict Herewith; and Declaring an Emergency.

Also,

House Bill No. 124. A Bill for an Act Relating to the Jurisdiction and Powers of the Board of Railroad Commissioners of the State of North Dakota, Relating to Hearings and Investigations in Connection With Public Utilities; and Relating to the Payment of Expenses of Hearings, and Investigations, and Valuations, and/or Revaluations, and of Methods of Assessing and Collecting the Same, Re-creating and Continuing "Public Utility Fund," a Revolving Fund, and Declaring an Emergency, and Repealing All Acts or Parts of Acts in Conflict Herewith, Except the Provisions of Acts Relating to "Public Utility Fund."

Also,

House Bill No. 140. A Bill for an Act Relating to Public Utilities, Reports of Public Utilities to the Board of Railroad Commissioners; Valuations of Public Utilities Made by the Board of Railroad Commissioners; Duties of State Board of Equalization and/or State Tax Commissioner.

Also,

House Bill No. 139. A Bill for an Act to Amend and Re-enact Section 9020 of the Compiled Laws of North Dakota for the Year 1913, and to Provide for the Furnishing of Surety for Costs by Plaintiffs Who Are Non-Residents or Corporations Other Than United States Corporations; Declaring an Emergency.

Which the Speaker has signed and your signature is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 4, 1937.

Mr. Speaker: I have the honor to inform you that the

Senate has concurred in the House amendment to Senate Bill No. 248.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senator Lian requested that the Senate return to the 7th order of business, which request was granted.

Senator Lian moved that the Senate reconsider the vote by which House Bill No. 297 was indefinitely postponed.

Senator Whelan moved, as a substitute motion that consideration of House Bill No. 297 be made a special order of business for 10:00 o'clock tomorrow.

Roll call demanded and granted.

ROLL CALL

The question being on the motion to defer action until 10:00 A. M. Friday, the roll was called and there were ayes, 22; nays, 25; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kroeber	Trout
Brostuen	Lavik	Vinje
Ettestad	Magoffin	Watt
Fowler	Nelson, Barnes	Whelan
Gilbertson	Strehlow	Williams
Gronvold	Thatcher	Wog
Johnson	Topp	Young
Kolpin		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Bilden	Guthrie	Mutchler
Blaisdell	Kamrath	Nelson, Grand Fks.
Cain	Lemke	Olson
Coffey	Lian	Owings
Crandall	Lowe	Skarvold
Drew	Lynn	Streibel
Fine	McGillic	Stucke
Fredrickson	Morrison	Thorson
Greene		

Absent and not voting:

Messrs.	Messrs.
Guenther	Hulteng

So the motion was lost.

The question being on the motion of Senator Lian that the vote by which House Bill No. 297 was indefinitely postponed be reconsidered, the motion prevailed.

Senator Blaisdell moved that House Bill No. 297 be placed upon Second Reading and Final Passage.

Which motion prevailed.

Senator Whelan moved that House Bill No. 297 be amended as follows:

That Section 2 of the printed bill be stricken out and the following substituted:

“Section 2. QUALIFICATIONS AND APPOINTMENT.) Such commission shall be appointed for a period of two years by the governor of the State of North Dakota, and such appointment shall be given to one of three persons selected in the following manner: Ballots containing three names shall be sent to the Secretary of State by each of the following five persons: Department Commander of the United Spanish War Veterans, Department of North Dakota; the Department Commander of the Veterans of Foreign Wars of the United States, Department of North Dakota; Department Commander of the American Legion, Department of North Dakota; the Department Commander of Disabled Veterans of the World War, Department of North Dakota, and the President of the American Legion Auxiliary for North Dakota. Provided, however, each of said persons shall be entitled to cast one vote for each one thousand members or major fraction thereof, in good standing in his or her organization, for three candidates. Said ballots shall be forwarded to the Secretary of State prior to June 15, 1937, and the 15th day of June of each odd numbered year thereafter, and shall be opened and counted in the presence of an official representative of each of said organizations. The three names having the highest number of votes shall be presented to the governor for his selection of a commissioner. Any person to be eligible for appointment as such commissioner shall be an actual and bona fide resident of North Dakota, and shall possess an honorable discharge either from navy, army or marine corps of the United States Government.”

Which motion was lost.

Senator Whelan moved that House Bill No. 297 be amended as follows:

On page 2, Section 2, line 11, after the word “Dakota,” strike out the following language: “and the adjutant general of the State of North Dakota.”

Which motion was lost.

Senator Gilbertson moved that further consideration of House Bill No 297 be indefinitely postponed.

Roll call demanded and granted.

#### ROLL CALL

The question being on Senator Gilbertson's motion, the roll



was called and there were ayes, 23; nays, 24; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Topp
Blaisdell	Kolpin	Trout
Brostuen	Kroeber	Watt
Drew	Lavik	Whelan
Ettestad	Magoffin	Williams
Fowler	Nelson, Barnes	Wog
Gilbertson	Thatcher	Young
Gronvold		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Bilden	Lemke	Olson
Cain	Lian	Owings
Coffey	Lowe	Skarvold
Crandall	Lynn	Strehlow
Fine	McGillic	Streibel
Fredrickson	Morrison	Stucke
Greene	Mutchler	Thorson
Guthrie	Nelson, Grand Fks.	Vinje
Kamrath		

Absent and not voting:

Messrs.	Messrs.
Guenther	Hulteng

So the motion was lost.

**SECOND READING OF HOUSE BILLS**

House Bill No. 297. A Bill for an Act to Amend and Re-enact Chapter 281 of the Session Laws of North Dakota for the Year 1927, and Chapter 74 of the Laws of 1929, Relating to the Office of Veterans' Service Commissioner, and Amending the Same with Reference to Qualifications and the Manner of Appointment of Such Service Commissioner and Salary and Expense of Carrying Out Provisions of This Act.

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, 28; nays, 19; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Lemke	Owings
Blaisdell	Lian	Skarvold
Cain	Lowe	Strehlow
Coffey	Lynn	Streibel
Crandall	McGillic	Stucke
Fine	Morrison	Thatcher

Messrs.	Messrs.	Messrs.
Fredrickson	Mutchler	Thorson
Greene	Nelson, Grand Fks.	Vinje
Guthrie	Olson	Whelan
Kamrath		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Topp
Brostuen	Kolpin	Trout
Drew	Kroeber	Watt
Ettestad	Lavik	Williams
Fowler	Magoffin	Wog
Gilbertson	Nelson, Barnes	Young
Gronvold		

Absent and not voting:

Messrs.	Messrs.
Guenther	Hulteng

So the bill passed and the title was agreed to.

Senator Whelan: I change my vote from "no" to "aye" for the purpose of reconsideration.

Senator Brostuen: Since the Veteran's Bureau and the Veteran's Service Commissioner have been dragged into partisan politics they have lost their effectiveness. The office has been destroyed by politics. For that reason I vote "no."

Senator McGillic: I want to make myself clear on this. As a Legion member, I believe this appropriation should be made available for the veterans, and after the scrap between the organizations is ironed out, we will still have the appropriation. So I vote "aye."

#### MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota.  
March 4, 1937.

Mr. Speaker: I have the honor to inform you that the Senate refused to concur in the House amendment to Senate Concurrent Resolution H and the President has appointed as a Conference Committee, Senators Thatcher, Lian and Trout.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
March 4, 1937.

Mr. Speaker: I have the honor to return herewith the

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following bill: Senate Bill No. 253, in accordance with the request of the House for its return.

Very respectfully,

THOMAS McDONALD,  
Secretary,  
Senate Chamber,  
Bismarck, North Dakota,  
March 4, 1937.

Mr. Speaker: I have the honor to return:

House Bill No. 46. A Bill for an Act to Appropriate Money for the Expenses of the Executive, Legislative and Judicial Departments of the State Government, and for Public Schools, Specifying the Amount and Time for Which Such Appropriations Shall Be Available, and Repealing All Acts, or Parts of Acts, Insofar as the Same Shall Relate to Appropriations Conflicting Herewith or to Appropriations for the Same Matters or Purposes Provided for Herein.

Which the Senate has amended as shown on page 1314 of the Senate Journal.

Very respectfully,

THOMAS McDONALD,  
Secretary.  
Senate Chamber,  
Bismarck, North Dakota,  
March 4, 1937.

Mr. Speaker: I have the honor to return:

House Bill No. 106. A Bill for an Act to Amend and Re-enact Sections 2551, 2552, 2553, 2562, 2564 and 2567 of the Compiled Laws of the State of North Dakota for the Year 1913; Providing for Application of Admission to the State Hospital for the Insane; Providing for the Investigation by the Commissioners of Insanity as to Such Application; Providing for Method of Sending Patients to the State Hospital for the Insane; Defining the Terms "Insane" and "Idiot"; Providing for the Issuance of Warrants of Insanity, or Warrants as to the Requirement of Treatment and/or Observation by the Superintendent of the State Hospital for the Insane; Providing for the Issuance of a Writ of Habeas Corpus in Certain Cases; Repealing All Acts and Parts of Acts in Conflict Therewith, and Declaring an Emergency.

Which the Senate has amended as shown on page 1352 of the Senate Journal.

Very respectfully,

THOMAS McDONALD,  
Secretary.  
Senate Chamber,  
Bismarck, North Dakota,  
March 4, 1937.

Mr. Speaker: I have the honor to return:

House Bill No. 126. A Bill for an Act to Provide for the

Transfer of All Moneys Derived From Special Taxes on Motor Vehicle Transportation, Which Are Now Remaining Inactive in Special Funds, to the Department of State Highways. Repealing All Acts or Parts of Acts in Conflict Herewith and Declaring an Emergency.

Which the Senate has amended as shown on pages 1162 and 1168 of the Senate Journal.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
March 4, 1937.

Mr. Speaker: I have the honor to return:

House Bill No. 217. A Bill for an Act Relating to Foreign Corporations; Providing for Their Admission to Transact Business in This State; for Their Withdrawal from This State; for the Revocation of Their Authority to Transact Business in This State; for Payment by Them of Certain License Fees; for Filing by Them of Annual Reports; for Appointment by Them of Resident Agents for Service of Process; for Service of Process on Foreign Corporations; for Penalties and Liabilities for Violations of This Act; for Filing and Recording of Certificates of Authority Issued Pursuant to This Act, and Their Effect as Evidence; for Payment by Foreign Corporations of Certain Fees to the Secretary of State and to Registers of Deeds; for Application of This Act to Foreign Corporations Heretofore Authorized to Transact Business in This State; Repealing Sections 5240, 5241 and 5242 of the Compiled Laws of North Dakota of 1913; Sections 5238a1, 5238a2 and 5239 of the 1925 Supplement to the Compiled Laws of North Dakota of 1913; and Section 5238 of the 1925 Supplement to the Compiled Laws of North Dakota of 1913, as Amended and Re-enacted by Chapter 99 of the Session Laws of North Dakota of 1929, and All Acts or Parts of Acts in so far as They Conflict Herewith.

Which the Senate has amended as shown on page 1163 of the Senate Journal.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
March 4, 1937.

Mr. Speaker: I have the honor to return:

House Bill No. 239. A Bill for an Act to Amend and Re-enact Section 77 of Chapter 168, Session Laws of 1919 Which Also Appears as Section 3084a77 of the 1925 Supplement

Governing Coal Mining Near Boundary Lines and Including Therein Coal Mining Near State, County and Township Highways.

Which the Senate has amended as shown on page 1164 of the Senate Journal.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senator Whelan moved that the House be requested to return House Bill No. 304 to the Senate.

Which motion prevailed.

Senate Chamber,  
Bismarck, North Dakota,  
March 4, 1937.

Mr. Speaker: I have the honor to inform you that the Senate requests the return of House Bill No. 304.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
March 4, 1937.

Mr. Speaker: I have the honor to return

House Bill No. 126. A Bill for an Act to Provide for the Transfer of All Moneys Derived From Special Taxes on Motor Vehicle Transportation, Which Are Now Remaining Inactive in Special Funds to the Department of State Highways. Repealing All Acts or Parts of Acts in Conflict Herewith and Declaring an Emergency.

Which the Senate has amended as shown on pages 1162 and 1168 of the Senate Journal.

Very respectfully,

THOMAS McDONALD,  
Secretary.

## SECOND READING OF HOUSE BILLS

House Bill No. 78. A Bill for an Act Providing for the Registration of Public Contractors, and Defining the Term Public Contractor; Providing the Requirements and Method of Obtaining a License to Engage in the Business of Public Contracting in the State of North Dakota; Classifying and Fixing the Fee for Such License; Providing the Method of Suspension, Cancellation and Reinstatement Thereof; Providing Added Requirements in Bond of Foreign Contractor; Prescribing Penalties for the Violation of This Act; and Re-

pealing All Acts or Parts of Acts in Conflict With the Provisions Hereof, 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, 21; nays, 23; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Cain	Kamrath	Magoffin
Coffey	Kolpin	Nelson, Grand Fks.
Crandall	Kroeber	Topp
Ettestad	Lavik	Vinje
Fowler	Lemke	Watt
Gilbertson	Lian	Whelan
Gronvold	Lynn	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Skarvold
Bilden	Lowe	Strehlow
Brostuen	McGillic	Streibel
Drew	Morrison	Stucke
Fine	Mutchler	Thorson
Fredrickson	Nelson, Barnes	Trout
Greene	Olson	Wog
Guthrie	Owings	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Blaisdell	Hulteng	Williams
Guenther	Thatcher	

So the bill was lost.

Senator Strehlow: I am going to vote "no" on this measure. I intended to vote the other way but we have a bunch of people in our lobby here approaching the Senators, telling them what to do and what to say and what not to do and what not to say. I think it is entirely out of order and I vote "no".

Senator Lemke: I have been in the lobby since I came here and no one has ever approached me at any time to tell me what to do or what to say, or how to vote. The Senator from Cass is taking in too much territory. I vote "aye".

### MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
March 4, 1937.

Mr. President: I have the honor to inform you that the

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House has concurred in the Senate amendment to House Bill No. 292.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 4, 1937.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to House Bill No. 199.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 4, 1937.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to House Bill No. 198.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 4, 1937.

Mr. President: I have the honor to inform you that the House has adopted the report of the Conference Committee on House Bill No. 160.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, N. D.,  
March 4, 1937.

Mr. Speaker: I have the honor to return herewith the following bills:

House Bill No. 112. A Bill for an Act to Prohibit the Operating of Motion Picture Theaters Which Are Owned, Controlled, Managed, or Operated, in Whole or in Part, by Producers or Distributors of Motion Picture Films, or in Which Such Producers or Distributors Have Any Interest.

Also,

House Bill No. 119. A Bill for an Act Making an Appropriation for the Purpose of Returning to the State Hail Insurance Fund the Money Diverted Therefrom by Chapter 155 of the Session Laws of North Dakota for 1935, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Which the Senate has passed unchanged.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, N. D.,  
March 4, 1937.

Mr. Speaker: I have the honor to return herewith the following bill:

House Bill No. 350. A Bill for an Act Providing for the Creation of Power Districts; Prescribing Powers and Duties of Such Districts; and Authorizing Such Districts to Conduct and Operate Utilities for the Production, Transmission of Distribution of Electric Energy, and to Issue Bonds and Providing for the Payment of Such Bonds; and Declaring an Emergency.

Which the Senate has indefinitely postponed.

Very respectfully,

THOMAS McDONALD,  
Secretary.

The Senate resumed consideration of House Bill No. 125, which had been made a special order of business for three o'clock.

Senator Fowler moved that House Bill No. 125 be amended as follows:

In line 4, of Section 21, found on page 1160 of the House Journal, strike out the words "of the state".

In line 3, page 1161, of House Journal, beginning with the words "all bonds," strike out balance of line 3, and all of lines 4, 5, 6 and 7, down to and including the word "thereof".

On page 1165 of the House Journal, Section 28, lines 6 and 7, strike out the following: "and all monies obtained as proceeds of taxes levied for payment into the Revenue Bond Payment Fund."

Strike out all of Sections 30 and 31, and renumber the following sections.

In Section 33, strike out the words and figures "Five Hundred Thousand Dollars (\$500,000.00)" and insert the words and figures "Fifty Thousand Dollars (\$50,000.00)"

Which motion prevailed.



Senator Fowler moved that House Bill No. 125 be placed upon Second Reading and Final Passage, as amended.

Which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 125. A Bill for an Act to Provide for the Creation, the Powers, the Duties, the Authority and the Jurisdiction of the State Water Conservation Commission; Prescribing its Powers and Duties to Investigate, Plan, Regulate, Control, and Supervise for All Purposes of Flood Control, Water Conservation, Water Irrigation, Water Rights, and Pollution of Water, All Public or Private Navigable or Non-navigable, Surface and Sub-surface, Waters, Streams, Lakes, Ponds, Water-courses, Surface Waters, Run-off Waters, and Watersheds, Located in or Within the Jurisdiction of the State of North Dakota and to Exercise Powers of Contracting, of Sale and of Purchase, and of Leasing and sub-leasing with Respect Thereof; Providing for the Construction, Operation and Maintenance of a System of Works for the Conservation, Development, Storage, Distribution and Utilization of Water, and for the Acquisition and Disposition of Property Necessary Therefor; Authorizing the Issuance and Sale of State Water Conservation Revenue Bonds of the State, Payable From the Revenues of Such Works and the Funds Received From the Sale or Disposal of Water and from the Operation, Lease, Sale or Other Disposition of the Works, Property, and Facilities to Be Acquired Out of the Proceeds of Such Bonds; Providing for the Lien Upon Bond Proceeds, for Exempting Property of Commission from Taxation; Providing for Trust Indentures; Providing for the Creation of Certain Funds in Connection with the Act; Providing for Necessary Help and Expenses; Providing for Contracts with the United States; with Political Sub-divisions of the State, with Associations, Groups, and Persons, Providing for Powers and Duties Concerning Inter-State Compacts and Commissions; Providing for the Purchase and Condemnation, and Otherwise to Acquire Lands and Water Rights and for the Sale and Lease Thereof; Making an Appropriation; Providing for the Creation of a Revenue Bond Payment Fund; Providing Duties of State Agencies Acting Intra State, Concerning Water Conservation, Flood Control and Pollution of Waters and Providing Duties of State Agencies Concerning Inter-State Compacts With Respect to Water Conservation, Flood Control and Pollution of Waters; Providing for the Collection and Payment of Moneys Into Said Fund and Disbursements Therefrom; for Methods of Paying Principal and Interest Thereon by State Treasurer; Providing for Levy of Tax, if Necessary, to Pay Principal and Interest of Revenue Bonds; and Reimbursement of Such Levy, and to Provide that the State Water Conservation Commission May Mortgage Property; and Designating Said Water Conservation Commission as a Public Corporation and Agency of the State; and to Grant Additional Powers to the Commission Concerning Irrigation, the Sale and Lease of Water, and Water Rights; to Borrow Monies; Providing for Authority of Bank of North Dakota to Act as Fiscal Agent, to Purchase and Sell Revenue Bonds and to Make Loans; Repealing Inconsistent Acts 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, 11; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Mutchler
Bilden	Guthrie	Olson
Blaisdell	Johnson	Owings
Brostuen	Kamrath	Skarvold
Cain	Kolpin	Streibel
Coffey	Lemke	Stucke
Drew	Lian	Thorson
Fine	Lowe	Trout
Fowler	Lynn	Vinje
Fredrickson	Magoffin	Williams
Gilbertson	McGillic	Wog
Gronvold	Morrison	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Ettestad	Nelson, Barnes	Topp
Greene	Nelson, Grand Fks.	Watt
Kroeber	Strehlow	Whelan
Lavik	Thatcher	

Absent and not voting:

Messrs.	Messrs.
Crandall	Hulteng

So the bill passed, the title was agreed to and the emergency clause was declared carried.

Senator Gronvold moved that the vote by which House Bill No. 125 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Thatcher moved that the Senate do now recess for ten minutes.

Which motion prevailed.

The Senate reconvened pursuant to recess taken.

### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 4, 1937.

Mr. Speaker: I have the honor to return herewith the following enrolled copy of:

House Bill No. 304. A Bill for an Act to Provide for the

Assessment of Car Line Companies, Express Companies, Pipe Line Companies, and Air Transportation Companies. Providing for the Allocation of the Tax to the State of North Dakota; and Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Very respectfully,

THOMAS McDONALD,  
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. 175 and Senate Bill No. 187, and find the same correctly enrolled.

WILLIAM KROEBER,  
Chairman.

Senator Kroeber moved that the report be adopted, which motion prevailed, and the report was adopted.

**SECOND READING OF HOUSE BILLS**

House Bill No. 168. A Bill for an Act to Amend and Re-enact Chapter 229 of the 1933 Session Laws of the State of North Dakota, as Amended by Chapter 260 of the Session Laws of 1935; to Provide for the Distribution of the Same Upon the Basis of Need, in the Payment of High School Tuition in Lieu of That Now Provided by Law and in the Payment of Direct Aid to School Districts Upon a Teacher-Unit Basis; and to Provide Methods for the Ascertainment and Payment of the Sums Payable to School Districts; and to Provide for Penalty for Making False Report; Repeal of All 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, 44; nays, 1; absent and not voting, 4.

Those voting in the affirmative were:

- |           |          |          |
|-----------|----------|----------|
| Messrs.   | Messrs.  | Messrs.  |
| Aasen     | Guenther | Owings   |
| Bilden    | Guthrie  | Skarvold |
| Blaisdell | Kamrath  | Strehlow |
| Brostuen  | Kolpin   | Stucke   |
| Cain      | Lavik    | Thatcher |
| Coffey    | Lemke    | Thorson  |
| Crandall  | Lian     | Topp     |

Messrs.	Messrs.	Messrs.
Drew	Lynn	Trout
Ettestad	Magoffin	Vinje
Fine	McGillic	Watt
Fowler	Morrison	Whelan
Fredrickson	Mutchler	Williams
Gilbertson	Nelson, Barnes	Wog
Greene	Nelson, Grand Fks.	Young
Gronvold	Olson	

Those voting in the negative were:

Messrs.  
Kroeber

Absent and not voting:

Messrs.	Messrs.	Messrs.
Hulteng	Lowe	Streibel
Johnson		

So the bill passed and the title was agreed to.

Senator Fredrickson moved that the vote by which House Bill No. 168 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 188. A Bill for an Act Authorizing Any Banking Institution to Establish Stations for Receiving of Deposits and the Payment of Checks and Similar Bank Paper, Subject to the Approval and Supervision of the State Banking Board, and Prohibiting Branch Banking.

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, 1; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Olson
Bilden	Kamrath	Owings
Blaisdell	Kolpin	Skarvold
Brostuen	Kroeber	Strehlow
Cain	Lavik	Stucke
Coffey	Lemke	Thatcher
Crandall	Lian	Thorson
Drew	Lowe	Topp
Ettestad	Lynn	Trout
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young
Guthrie		

Those voting in the negative were:

Messrs.  
Fine

Absent and not voting:

Messrs.                      Messrs.  
Hulteng                      Streibel

So the bill passed and the title was agreed to.

Senator Strehlow moved that the vote by which House Bill No. 188 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, North Dakota,  
March 4, 1937.

Mr. President: I have the honor to return

House Bill No. 304. A Bill for an Act to Provide for the Assessment of Car Line Companies, Express Companies, Pipe Line Companies, and Air Transportation Companies. Providing for the Allocation of the Tax to the State of North Dakota; and Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Which the Senate has requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### SECOND READING OF HOUSE BILLS

House Bill No. 189. A Bill for an Act to Amend Section 22, of Chapter 96, of the Session Laws of the State of North Dakota for the Year 1931, Relating to the Responsibility of Shareholders of State Bank Stock.

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, 26; nays, 21; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Strehlow
Cain	Kamrath	Thorson
Coffey	Kolpin	Topp
Crandall	Kroeber	Vinje
Drew	Lavik	Watt

Messrs.	Messrs.	Messrs.
Fowler	Lian	Whelan
Fredrickson	Magoffin	Wog
Gilbertson	Morrison	Young
Gronvold	Mutchler	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Bilden	Lemke	Owings
Brostuen	Lowe	Skarvold
Ettestad	Lynn	Streibel
Fine	McGillic	Stucke
Greene	Nelson, Barnes	Thatcher
Guthrie	Nelson, Grand Fks.	Trout
Johnson	Olson	Williams

Absent and not voting:

Messrs.	Messrs.
Blaisdell	Hulteng

So the bill passed and the title was agreed to.

Senator Strehlow moved that the vote by which House Bill No. 189 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, N. D.  
March 4, 1937.

Mr. Speaker: I have the honor to return herewith the following bills:

Senate Bill No. 246. A Bill for an Act, Providing for the Issuance by the Industrial Commission of Certificates of Indebtedness in Anticipation of the Collection of Property Taxes, Which Have Been Levied by the State Board of Equalization; Prescribing the Terms and Conditions Hereof; Providing for Their Sale and Delivery and Payment; Establishing of the Certificate of Indebtedness Retirement Fund, and Repealing All Acts or Parts of Acts Inconsistent With the Provisions of This Act, and Declaring an Emergency.

Also,

Senate Bill No. 248. A Bill for an Act to Encourage and Promote the Payment of Taxes By Providing for a Rebate On Payments.

Also,

Senate Bill No. 40. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the State Seed Department.

In accordance with the request of the House for their return.

Very respectfully,

THOMAS McDONALD,  
Secretary.

SECOND READING OF HOUSE BILLS

House Bill No. 318. A Bill for an Act to Amend and Re-enact Sections 1, 2 and Sub-section (e) of Chapter 106 of the 1935 Session Laws, Relating to the Incorporation of Co-operative Grazing Associations, to Provide for the Organization of Groups With a Smaller Acreage Than 50,000 Acres. Where They May Be Required, and Making No Restrictions as to the Number of Organizations in Any One County to Operate Under Said Chapter.

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, 2; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Johnson	Owings
Blaisdell	Kamrath	Skarvold
Brostuen	Kolpin	Strehlow
Cain	Lavik	Streibel
Coffey	Lemke	Stucke
Crandall	Lian	Thorson
Drew	Lowe	Topp
Ettestad	Lynn	Trout
Fine	Magoffin	Vinje
Fowler	McGillic	Watt
Fredrickson	Morrison	Whelan
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young

Those voting in the negative were:

Messrs.	Messrs.
Kroeber	Thatcher

Absent and not voting:

Messrs.	Messrs.
Gilbertson	Hulteng

So the bill passed and the title was agreed to.

Senator Morrison moved that the vote by which House Bill No. 318 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

## MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, N. D.  
March 4, 1937.

Mr. Speaker: I have the honor to return:

House Bill No. 55. A Bill for an Act to Amend and Re-enact Section 41, Chapter 162, Session Laws of North Dakota, 1927, as Amended and Re-enacted by Chapter 141, Session Laws of North Dakota, 1929, Authorizing the State Highway Commissioner or Such of His Employees as he May Designate and Local Authorities to Prohibit or Restrict the Use of Highways Under the Jurisdiction of Such Officers.

Which the Senate has amended as follows:

In Section 41, line 6, of the original bill, change the word "ninety" to "sixty".

Very respectfully,

THOMAS McDONALD,  
Secretary.

## SECOND READING OF HOUSE BILLS

House Bill No. 280. A Bill for an Act Amending Sub-division U of Section 51, of Chapter 96, of the Session Laws of North Dakota for 1931, Relating to the Liquidation of Insolvent Banks by Depositors; 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, 46; nays, 1; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Johnson	Owings
Blaisdell	Kamrath	Skarvold
Brostuen	Kolpin	Strehlow
Cain	Kroeber	Streibel
Coffey	Lavik	Stucke
Crandall	Lemke	Thorson
Drew	Lian	Topp
Ettestad	Lowe	Trout
Fine	Lynn	Vinje
Fowler	Magoffin	Watt
Fredrickson	McGillic	Whelan
Gilbertson	Morrison	Williams
Greene	Mutchler	Wog
Gronvold	Nelson, Barnes	Young
Guenther		



Those voting in the negative were:

Messrs.  
Thatcher

Absent and not voting:

Messrs.                      Messrs.  
Hulteng                      Nelson, Grand F'ks.

So the bill passed and the title was agreed to.

Senator Brostuen moved that the vote by which House Bill No. 280 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Whelan moved that further consideration of House Bill No. 352 be indefinitely postponed.

Which motion prevailed.

Senator Whelan moved that the vote by which House Bill No. 352 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

#### MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 4, 1937.

Mr. Speaker: I have the honor to return:

House Bill No. 40. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Penitentiary.

Which the Senate has amended as follows:

In line 3, of the printed bill, strike out the House amendment "\$246,306.00" and insert in lieu thereof "\$268,071.00".

In line 12, of the printed bill, item "Salary Adjustments," strike out the figures "\$3,700.00" and insert in lieu thereof the figures "\$3,575.00".

After line 12, of the printed bill, add line 12½, item No. 5 and the following language and figures: "No. 5. Salary Adjustments, 1937-1939, \$1,690.00".

In line 26, of the printed bill, item "Clothing," strike out the House amendment "\$15,000.00" and insert in lieu thereof "\$16,500.00".

In line 27, of the printed bill, item "Hospital and Medical Service," strike out the House amendment "\$8,000.00" and insert in lieu thereof "\$9,000.00".

In line 30, of the printed bill, item "Maintenance, Autos,

Tractors, Trucks," strike out the House amendment "\$3,500.00" and insert in lieu thereof "\$4,500.00".

In line 32, of the printed bill, item "Maintenance Farm and Shops," strike out the House amendment "\$14,000.00" and insert in lieu thereof "\$16,000.00".

In line 34, of the printed bill, item "Total Maintenance," strike out the House amendment "\$269,606.00" and insert in lieu thereof "\$280,371.00".

In line 36a, of the printed bill, item "Net Maintenance," strike out the House amendment "\$236,606.00" and insert in lieu thereof "\$247,371.00".

In line 38, under "Improvements and Repairs" item "General," strike out House amendment "\$4,000.00" and insert in lieu thereof "\$5,000.00".

In line 47, under "Miscellaneous Items," insert item No. 2. "State Bureau of Criminal Identification, \$10,000.00".

Correct the total after "Total" by striking out the figures "\$246,306.00" and insert in lieu thereof the figures "\$268,071.00".

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
March 4, 1937.

Mr. Speaker: I have the honor to return:

House Bill No. 341. A Bill for an Act to Establish a Mouse River Valley Authority, and to Fix Its Powers and Duties.

Which the Senate has amended as follows:

In line 3, Section 1, page 1, of the printed bill, immediately following the comma after the word "Governor," insert the following: "a member selected by the United States Bureau of Biological Survey".

In line 5, Section 3, page 2, of the printed bill, immediately following the word "Governor," insert a comma and the following: "the member selected by the United States Bureau of Biological Survey".

In line 1, Section 8, page 4, of the printed bill, immediately following the period following the figure "8," strike out the entire Section beginning with the word "Repeal" and insert in lieu thereof the following: "Nothing herein contained shall repeal, amend, or modify any existing Acts or statutes pertaining to the appropriation or use of water, and nothing herein contained shall be deemed to interfere with any vested rights to the use of water."

Add the following section: "Section 9. REPEAL.) All Acts, or parts of Acts, in conflict herewith are hereby repealed."

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
March 4, 1937.

Mr. Speaker: I have the honor to return

House Bill No. 247. A Bill for an Act to Amend and Re-enact Section Six (6) of That Certain Initiated Law Adopted by the Voters of the State of North Dakota at the Special Election Held September 22, 1933, Entitled as Follows: "An Act Defining and Providing for the Manufacture, Sale and Distribution of Beer, Providing Revenue Therefrom, and Licenses Therefor, Prohibiting the Transfer of Licenses, Excluding Certain Persons from the Right to Purchase the Same, Appointing a State Beer Commissioner and Defining His Powers, Duties, and Salary; Authorizing Cities, Villages and County Commissioners to Provide a Local Tax and Prescribe Rules and Regulations Under Which Beer May Be Sold and Authorizing Municipalities to Provide Penalties for Violation of Their Regulations; Providing for the Administrative Expense of This Act; Making it Unlawful for Any Person to Engage in the Manufacture or Sale of Beer Without First Obtaining a License Therefor; Providing a Penalty for the Violation of the Provision Thereof; Providing for a Saving Clause as to Constitutionality; and Repealing All Acts or Parts of Act in Conflict With This Act, and Making an Appropriation to Carry Out the Provisions Hereof," and Declaring an Emergency.

Which the Senate has amended as follows:

In line three (3) of the Title of the Engrossed Bill after the following figures "1933" add the following language: "as Amended and Re-enacted by Chapter 98 of the Session Laws of the State of North Dakota for the Year 1935,"

In Line two (2), Page two (2) of Section six (6) of the Engrossed Bill after the word "time" strike out the "semi-colon" and insert in lieu thereof a "comma" and add the following language: "such stamps shall be attached to each bottle or container and nothing herein shall be construed as authorizing or permitting stamps to be attached to a case or other container holding more than one bottle, keg or barrel filled with beer; providing further that a bottle, keg, barrel or container commonly referred to as a pint, quart, one-eighth barrel or keg, one-fourth barrel or keg shall, for the purpose of this Act, be assumed to contain sixteen ounces per pint, thirty-two ounces per quart, four gallons per one-eighth barrel or keg, container, for the purpose of computing the tax to be

paid, even though such container actually contains less than the quantity designated by such terms,"

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
March 4, 1937.

Mr. Speaker: I have the honor to return

House Bill No. 252. A Bill for an Act Providing for the Payment to a Retail Implement Dealer of Certain Sums for All Stock of Farming Implements and Repairs for Farm Implements Upon the Cancellation of Any Contract Between Such Retail Implement Dealer and the Manufacturer, Wholesaler, or Distributor of Farm Implements, Machinery and Repair Parts for Farm Implements and Farm Machinery.

Which the Senate has amended as follows:

In line 2 of the title of the printed bill after the word "Dealer" insert the following "Or an automobile or truck dealer".

In line 3 of the title after the word "implements" insert the following "and automobiles or trucks or parts therefor".

In the last line of the title of the printed bill, after the word "machinery" change the period to a comma and add the following language: "or automobiles or trucks or repair parts for automobiles or trucks".

In line 3, Section 1, of the printed bill after the word "implements" insert the following "or automobiles or trucks or repair parts for automobiles or trucks".

In line 6, Section 1, of the printed bill after the word "machinery" insert the following: "or automobiles or trucks or repair parts for automobiles or trucks".

In line 12, page 2, Section 1, of the printed bill after the word "Stock" insert the following language: "and for all automobiles or trucks or repair parts for automobiles or trucks".

In line 2, Section 2, page 2, after the word "parts" insert the following language: "and automobiles, trucks or repair parts".

In line 3, Section 3, page 2, of the printed bill after the word "implements" insert the following language: "or automobiles, trucks or repair parts therefor".

In line 7, Section 3, page 2, of the printed bill after the word

"implements" insert the following: "or automobiles or trucks or repair parts therefor".

In line 13, Section 3, page 2, of the printed bill after the word "parts" insert the following: "or automobiles or trucks or repair parts therefor".

In line 16, Section 3, page 3, of the printed bill after the word "parts" insert the following: "or automobiles or trucks or repair parts therefor".

In line 22, Section 3, page 3, of the printed bill after the word "machinery" strike out the period and insert a comma in lieu thereof and insert the following language: "or automobiles or trucks or repair parts therefor".

In line 18, Section 3, page 3, after the word "parts" insert the following "or automobiles or trucks or parts therefor".

In line 3 of the title of the engrossed bill after the word "CANCELLATION" insert the words "OR DISCONTINUATION".

In line 3 of Section 1 strike out the following words "has heretofore or".

In line 7 of Section 1 after the word "cancel" insert the words "or discontinue".

In line 9 of Section 1 after the word "cancellation" insert the words "or discontinuation".

In line 9 of Section 1 after the word "retailer" insert the following language: "unless dealer should desire to keep such merchandise".

In line 13 of Section 1 after the word "cancellation" insert the words "or discontinuation".

In line 5 of Section 2 after the word "cancelled" strike out the comma and insert in lieu thereof "or discontinued".

In line 4 of Section 3 after the word "cancellation" insert the words "or discontinuation".

In line 7 of Section 3 strike out the words "has heretofore or may".

In line 13 of Section 3 after the word "cancellation" insert the words "or discontinuation".

Very respectfully,

THOMAS McDONALD,  
Secretary.

## SECOND READING OF HOUSE BILLS

House Bill No. 226. A Bill for an Act to Amend and Re-enact Sections 2763, 2764 and 2766 of the Compiled Laws of

the State of North Dakota for the Year 1913, Relating to the Stallion Registration Board, and Repeal All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Was read the second time.

Senator Guthrie moved that further consideration of House Bill No. 226 be indefinitely postponed.

Which motion prevailed.

House Bill No. 133. A Bill for an Act to Amend and Re-enact Section 1190 of the 1925 Supplement to the 1913 Compiled Laws of the State of North Dakota, as the Same Was Amended by Chapter 243 of the 1927 Session Laws of the State, Relating to Consolidation of Schools and Transportation of Pupils; and Repealing Certain Acts in Conflict.

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, 7.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Nelson, Barnes
Bilden	Johnson	Olson
Blaisdell	Kamrath	Owings
Brostuen	Lemke	Skarvold
Cain	Lian	Stucke
Coffey	Lowe	Thorson
Crandall	Lynn	Trout
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Wog
Gronvold	Mutchler	Young
Guenther		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Ettestad	Kroeber	Thatcher
Greene	Lavik	Topp
Kolpin	Nelson, Grand Fks.	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Drew	Strehlow	Whelan
Fine	Streibel	Williams
Hulteng		

So the bill passed and the title was agreed to.

Senator Trout moved that the vote by which House Bill No. 133 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Morrison requested that the Senate return to the Seventh Order of Business.

Which request was granted.

Senator Morrison moved that Senate Resolution "Q" be printed in the Journal.

Which motion prevailed.

#### SENATE RESOLUTION "Q"

Introduced by Senators Watt, Young and Whelan

WHEREAS, legislatures of the State of North Dakota for many sessions past have been fighting vigorously, by resolutions and bills passed, some with penalties and some without, against the ever recurring evil of deficiency appropriation requests from various state departments, and

WHEREAS, those efforts on the part of the legislative department of government has thus far been entirely without avail and wholly unsuccessful in stopping this vicious practice and unnecessary waste of the taxpayers money, and

WHEREAS, it is a matter of common knowledge that certain departments of the executive branch of the state government are even now engaged in an undertaking which, by assessments made upon the employees of those departments for political purposes, are likely, through increases in pay allowed to offset such assessments, to result in further requests for deficiency appropriations at the next session of the legislature;

THEREFORE, BE IT RESOLVED, by the Senate of the State of North Dakota:

That the President of this body appoint a committee of three to investigate the truth of these charges with respect to assessments upon the employees of various state departments, and particularly the central office of the State Highway Department, and the office of the Motor Vehicle Registrar, and to ascertain and report to this body the facts with respect to such practice;

That the officials in charge of such departments be required to immediately file with this body a statement showing the names and salaries paid in such departments for the months of December, 1936, and January and February, 1937.

That this committee be given the power to subpoena and place under oath such officials and employees in the various departments of state, as it may deem necessary in order to secure the facts with respect of the matter under investigation.

## SECOND READING OF HOUSE BILLS

House Bill No. 270. A Bill for an Act Regulating Game and Fish, for the Propagation, Conservation, Protection, Preservation of Wild Birds, Wild Animals and Fish; and Providing That Certain Game Birds, Game Animals, Fur-bearing Animals, Fish and Deer Shall Be Protected at All Times, and the Season Declared Closed Except When Opened by Governor's Proclamation Upon Recommendation of the Game and Fish Commissioner; Providing for Resident and Non-resident Licenses, and Providing Penalties Therefor, and to Amend and Re-enact Section 10322a50 of the Supplement to the Compiled Laws of 1913, as Amended by Chapter 115 of the Session Laws of 1933.

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, 1; absent and not voting, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Owings
Bilden	Kolpin	Skarvold
Blaisdell	Kroeber	Strehlow
Cain	Lavik	Stucke
Coffey	Lemke	Thatcher
Crandall	Lian	Thorson
Ettestad	Lowe	Topp
Fowler	Lynn	Trout
Fredrickson	Magoffin	Vinje
Gilbertson	McGillic	Watt
Greene	Morrison	Whelan
Gronvold	Mutchler	Williams
Guenther	Nelson, Barnes	Wog
Guthrie	Nelson, Grand Fks.	Young
Johnson	Olson	

Those voting in the negative were:

Messrs.  
Brostuen

Absent and not voting:

Messrs.	Messrs.	Messrs.
Drew	Hulteng	Streibel
Fine		

So the bill passed and the title was agreed to.

Senator Guthrie moved that the vote by which House Bill No. 270 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.



SENATE COMMITTEE ON ENROLLMENT AND EN-  
GROSSMENT

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. 182.

And find the same correctly enrolled.

WILLIAM KROEBER,  
Chairman.

Senator Kroeber moved that the report be adopted, which motion prevailed and the report was adopted.

SECOND READING OF HOUSE BILLS

House Bill No. 162. A Bill for an Act to Amend and Re-enact Section 2844 of the Supplement to the 1913 Compiled Laws of North Dakota as Amended by Chapter 119, Session Laws of 1929, Relating to Licenses of Creameries, Cheese Factories, Process Butter Factories, Ice Cream Factories and Cream Stations; Providing for the Distribution of License Moneys; Repealing Acts in Conflict Herewith 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, 27; nays, 21; absent and not voting, 1.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kroeber	Streibel
Bilden	Lavik	Stucke
Brostuen	Lemke	Thatcher
Drew	Lynn	Thorson
Fine	Morrison	Topp
Greene	Nelson, Barnes	Trout
Gronvold	Owings	Vinje
Johnson	Skarvold	Williams
Kolpin	Strehlow	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Gilbertson	McGillic
Cain	Guenther	Mutchler
Coffey	Guthrie	Nelson, Grand Fks.
Crandall	Kamrath	Olson
Ettestad	Lian	Watt
Fowler	Lowe	Whelan
Fredrickson	Magoffin	Wog

Absent and not voting:

Messrs.

Hulteng

So the bill passed and the title was agreed to, and the emergency clause was declared lost.

Senator Lynn moved that the vote by which House Bill No. 162 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 119. A Bill for an Act Making an Appropriation for the Purpose of Returning to the State Hail Insurance Fund the Money Diverted Therefrom by Chapter 155 of the Session Laws of North Dakota for 1935, and Repealing All Acts or Parts of Acts in Conflict Herewith:

Was read the second time.

Senator Lowe moved that House Bill No. 119 be amended to provide that the first payment be made on July 1st, 1938, and the balance in five equal annual installments.

Which motion prevailed.

Senator Stucke moved that House Bill No. 119 be placed upon Second Reading and Final Passage, as amended.

Which motion prevailed.

#### ROLL CALL

The question being on the final passage of House Bill No. 119, as amended, the roll was called and there were ayes, 34; nays, 14; absent and not voting, 1.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Owings
Bilden	Johnson	Skarvold
Blaisdell	Kamrath	Streibel
Brostuen	Kolpin	Stucke
Coffey	Lemke	Thatcher
Crandall	Lowe	Thorson
Drew	Lynn	Topp
Ettestad	Magoffin	Vinje
Fine	Morrison	Watt
Fredrickson	Nelson, Grand Fks.	Williams
Greene	Olson	Young
Guenther		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Cain	Lavik	Strehlow
Fowler	Lian	Trout
Gilbertson	McGillic	Whelan
Gronvold	Mutchler	Wog
Kroeber	Nelson, Barnes	

Absent and not voting:

Messrs.

Hulteng

So the bill passed and the title was agreed to.

Senator Greene moved that the vote by which House Bill No. 119 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Strehlow: I am in favor of paying that money back to the Insurance Department but I am not in favor of paying it back at this time. I vote "no".

House Bill No. 319. A Bill for an Act to Prohibit Distillers, Brewers, and Wholesalers of Beer and of Intoxicating Liquors in the State of North Dakota from Leasing and from Furnishing of Any Furniture, Fixtures, Equipment or Other Property to Retailer; from Paying Retail Tax; from Being Interested in Retail Business; Providing Penalty 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, 24; nays, 24; absent and not voting, 1.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kolpin	Streibel
Bilden	Lemke	Thorson
Drew	Lowe	TROUT
Ettestad	Magoffin	Vinje
Fine	Olson	Watt
Fredrickson	Owings	Whelan
Greene	Skarvold	Williams
Kamrath	Strehlow	Wog

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Guenther	Morrison
Brostuen	Guthrie	Mutchler
Cain	Johnson	Nelson, Barnes
Coffey	Kroeber	Nelson, Grand Fks.
Crandall	Lavik	Stucke
Fowler	Lian	Thatcher
Gilbertson	Lynn	Topp
Gronvold	McGillic	Young

Absent and not voting:

Messrs.

Hulteng

So the bill was lost for want of a constitutional majority.

Senator Brostuen moved that the vote by which House Bill No. 319 was lost be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Owings: I do not believe that competition is the life of trade, so I vote "aye".

House Bill No. 89. A Bill for an Act Relating to the Administration of Insolvent Banking Institutions; Appointing the Bank of North Dakota as Liquidating Agent Therefor; Requiring Delivery of Assets to the Bank of North Dakota, Specifying Its Duties in Connection Therewith and Providing Compensation Therefor; Providing for the Appointment of Committees to Reopen and Liquidate Such Banks; 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, 18; nays, 29; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Lemke	Owings
Fine	Lynn	Skarvold
Greene	Magoffin	Streibel
Johnson	Morrison	Stucke
Kamrath	Nelson, Barnes	Thorson
Kolpin	Olson	Topp

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Gronvold	Strehlow
Blaisdell	Guenther	Thatcher
Brostuen	Guthrie	Trout
Cain	Kroeber	Vinje
Coffey	Lavik	Watt
Crandall	Lian	Whelan
Drew	Lowe	Williams
Ettestad	McGillic	Wog
Fowler	Mutchler	Young
Gilbertson	Nelson, Grand Fks	

Absent and not voting:

Messrs.	Messrs.
Fredrickson	Hulteng

So the bill was declared lost.

Senator Strehlow moved that the vote by which House Bill No. 89 was lost be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 333. A Bill for an Act Making It Unlawful for Any Officer or the Head of Any Department, Board, Bureau, Institution or Industry, to Buy, Sell, Exchange or in Any Manner Acquire or Dispose of Any Bond, Stocks, Certificates of Indebtedness, Notes, Mortgages or Other Evidence of Debt in Which Any Public Funds Have Been or May Be Invested, Without Permission of the Industrial Commission of the State of North Dakota; Providing Penalty for Violation and Declaring an Emergency.

Was read the second time.

Senator Strehlow moved that House Bill No. 333 be amended as follows:

In line 11, of Section 1, strike out the period following the word "adopted", insert a semi-colon and add the following: "provided, however, that the provisions of this Act shall not apply to loans and investments made by the Board of University and School Lands."

Which motion prevailed.

Senator Fowler moved that House Bill No. 333 be amended as follows:

In line 4 of section 1 following the words "North Dakota" add the following language: "except the Bank of North Dakota".

Which motion prevailed.

Senator Fowler moved that the rules be suspended and House Bill No. 333 be placed upon Second Reading and Final Passage as amended.

Which motion prevailed.

### ROLL CALL

The question being on the final passage of House Bill No. 333, as amended, the roll was called and there were ayes, 47; nays, 0; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Johnson	Owings
Blaisdell	Kamrath	Skarvold
Brostuen	Kolpin	Strehlow
Cain	Kroeber	Streibel
Coffey	Lavik	Thatcher
Crandall	Lemke	Thorson
Drew	Lian	Topp
Ettestad	Lowe	Trout
Fine	Lynn	Vinje
Fowler	Magoffin	Watt
Fredrickson	McGillic	Whelan
Gilbertson	Morrison	Williams

Messrs.	Messrs.	Messrs.
Greene	Mutchler	Wog
Gronvold	Nelson, Barnes	Young
Guenther	Nelson, Grand Fks	

Absent and not voting:

Messrs.	Messrs.
Hulteng	Stucke

So the bill passed, the title was agreed to, and the emergency clause was declared carried.

Senator Strehlow moved that the vote by which House Bill No. 333 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign:

House Bill No. 163. A Bill for an Act to Amend and Re-enact Section 4969, Compiled Laws of North Dakota for 1931; Requiring Accident and Sickness Insurance Corporations, Associations or Societies to Have and Maintain Admitted Assets of \$5,000.00; Repealing All Acts or Parts of Acts in Conflict Herewith; and Declaring an Emergency.

Also,

House Bill No. 173. A Bill for an Act to Amend and Re-enact Section 7 of Chapter 152 of the Session Laws of North Dakota for 1935, Relating to the Licensing of Resident Agents for Surety and Insurance Companies Other Than Life Insurance Companies; and Declaring an Emergency.

Also,

House Bill No. 124. A Bill for an Act Relating to the Jurisdiction and Powers of the Board of Railroad Commissioners of the State of North Dakota, Relating to Hearings and Investigations in Connection With Public Utilities; and Relating to the Payment of Expenses of Hearings, and Investigations, and Valuations, and/or Revaluations, and of Methods of Assessing and Collecting the Same, Re-creating and Continuing "Public Utility Fund," a Revolving Fund, and Declaring an Emergency, and Repealing All Acts or Parts of Acts in Conflict Herewith, Except the Provisions of Acts Relating to "Public Utility Fund."

Also,

House Bill No. 139. A Bill for an Act to Amend and Re-enact Section 9020 of the Compiled Laws of North Dakota for the Year 1913, and to Provide for the Furnishing of Surety for Costs by Plaintiffs Who Are Non-Residents or

Corporations Other Than United States Corporations; Declaring an Emergency.

Also,

**HOUSE CONCURRENT RESOLUTION "Q"**

Also,

House Bill No 353. A Bill for an Act Making an Emergency Appropriation to Provide for Aid for Livestock Feeds for Farmers in Drouth Stricken Counties of This State; Providing for the Distribution of This Appropriation by the Public Welfare Board; and Declaring an Emergency.

Also,

Senate Bill No. 11. A Bill for an Act Making an Appropriation for the Purpose of Paying a Bounty on Wolves and Coyotes as Provided for Under Sections 2645 to 2656, Inclusive, of the Supplement to the Compiled Laws of 1913 as Amended by Chapter 283, Session Laws of 1927, and as Amended by Chapter 9, Session Laws of 1933, and as Amended by Chapter 7, Session Laws of 1935; and Magpie Bounty as Provided for by Section 2656b1 to 2656b9, Inclusive, of the Supplement to the 1913 Compiled Laws of North Dakota; and Declaring an Emergency.

Also,

Senate Bill No. 142. A Bill for an Act to Amend and Re-enact Chapter 81 of the Session Laws for the Year 1933, Relating to Bonds from Contractors on Public Improvements; Repealing Section 6835 of the Compiled Laws for the Year 1913, and All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Also,

Senate Bill No. 194. A Bill for an Act to Regulate the Business of Selling Used Motor Vehicles by Dealers Not Residing in or Having a Permanent Place of Business in This State, and by Resident Dealers Purchasing, Handling and Selling Used Motor Vehicles Received or Acquired From Non-Resident Dealers; Requiring the Registration of All Used Motor Vehicles Brought Into This State for the Purpose of Sale to Be Registered With the Motor Vehicle Registrar, and Requiring All Such Dealers to Execute and Deliver to Each Purchaser a Bond Indemnifying the Purchaser Against Failure of Title, Breach of Warranty or Fraudulent Misrepresentation; Requiring Delivery of a Certificate of Title and Providing Penalties for the Violation of the Provisions of This Act.

Also,

**SENATE CONCURRENT RESOLUTION "O"**

Also,

House Bill No. 249. A Bill for an Act Providing for the Collection of Real Property Taxes by the Collection of Rents from Such Property, Providing for the Duties of the District

Court and the County Treasurer in Connection Therewith, Providing for the Service of the Court Order, the Application of Such Rents by the County Treasurer, Providing for Contempt for Failure to Comply with the Order of the Court, Providing That the Payments of the Rent Under the Order Shall Have Precedence Over Prior and Subsequent Liens and Assignments, Providing for Appeals, Providing That the Remedy is in Addition to Other Remedies, Repealing All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

Also,

House Bill No. 15. A Bill for an Act to Encourage the Investment of Moneys in the State of North Dakota, and to Encourage the Development of the Natural Resources of this State, and to Provide a Market for the Gas and Oil Deposits in this State, Including Those Owned by the State of North Dakota, and the Counties Thereof, and to Permit the Marketing of Such Natural Resources by Selling Natural Gas and Oil to the State, County, and School Districts, Upon Condition That the Seller Purchase From Actual Production or Produce in this State an Amount of Gas or Oil at Least Equivalent to the Amount it Delivers to Said State, County and School District Buildings, and Requiring Such Sellers to Make Reports of its Sale and Purchase and Production, Under Oath, and Providing a Penalty for Violation Thereof, and Repealing Acts in Conflict Herewith.

Also,

House Bill No. 123. A Bill for an Act Relating to Petitions by Patrons and Users of Services of Public Utility Companies for Reduction of Public Utility Rates, Authorizing Negotiations Touching Such Rates, Providing for Temporary Reductions or Increases in Rates, and for Refunds and Reparations, and Jurisdiction and Duties of the Board of Railroad Commissioners, and Declaring an Emergency, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Also,

House Bill No. 130. A Bill for an Act to Amend and Re-enact Section 3264 of the Compiled Laws of North Dakota for 1913 Relating to the Term of Office of County Commissioners.

Also,

House Bill No. 156. A Bill for an Act Levying a Tax of One-half of One Mill Upon Each Dollar of Assessed Valuation of all Taxable Property Within the State for the Years 1937 and 1938, for the Purpose of Paying the Interest and Creating a Sinking Fund for the Payment of the Principal of the North Dakota Real Estate Bonds Now Outstanding.

Also,

House Bill No. 137. A Bill for an Act Amending and Re-enacting Section 7812 of the Compiled Laws of North Da-



kota for the Year 1913, as to the Furnishing of Surety for Costs in District Court Actions by Plaintiffs Who Are Non-Residents of the State or Foreign Corporations Other Than United States Corporations; and Declaring an Emergency.

Also,

Senate Bill No. 180. A Bill for an Act Providing for a Compact Between the States of Minnesota, South Dakota and North Dakota, Authorizing the Creation of a Tristate Waters Commission With Power to Supervise the Utilization and Control of the Waters of That Portion of the Drainage Basin of the Red River of the North Lying Within Minnesota, South Dakota and North Dakota.

Also,

Senate Bill No. 20. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary and Miscellaneous General Expenses of the Department of Minimum Wage.

Also,

Senate Bill No. 101. A Bill for an Act to Amend and Re-enact Chapter 208 of the Session Laws of North Dakota for the Year 1935, Relating to Tax Limitations of Cities.

Also,

Senate Bill No. 187. A Bill for an Act Providing for Establishing, on Petition, of Temporary and Permanent Farm and Rural Home Advisory Councils, Under Whose Guidance Shall Be Conducted Agricultural, Home Economics and 4-H Club Programs, Providing for the Levy of an Annual Tax Therefor and for Term of Office of Council, Manner of Creating and Provision for Traveling Expense of Permanent Council, for the Appointment of Extension Agents, the Budgeting of Expenses and for Procedure to Discontinue Levy for Agricultural, Home Economics, and 4-H Club Programs in Any County, Providing for Applicability of This Act to Counties Where the County Extension Work Has Been Provided and is Being Conducted Under the Statutes in Force Prior to the Enactment of This Act, and for the Discontinuance in Such Counties Within a Fixed Period of the County Work so Performed Under Former Statutes, and Repealing Section 3259A of the 1925 Supplement to the Compiled Laws of 1913 and All Acts or Parts of Acts in Conflict Herewith.

Also,

Senate Bill No. 175. A Bill for an Act to Amend and Re-enact Section 1373, Session Laws of 1911, Chapter 266.

Also,

House Bill No. 140. A Bill for an Act Relating to Public Utilities, Reports of Public Utilities to the Board of Railroad Commissioners; Valuations of Public Utilities Made by the Board of Railroad Commissioners; Duties of State Board of Equalization and/or State Tax Commissioner.

Also,

House Bill No. 357. A Bill for an Act to Apply and Make Applicable the Provisions of the House Bill No. 32 of the Twenty-Fifth Legislative Assembly and Chapter 195 of the Laws of 1935 as Amended by House Bill Number 32 Afore-said, to "Warrants for Emergency Poor Relief" Issued Pursuant to Chapter 120 of the Laws of 1935 and Issued Prior to January 1st, 1939.

Also,

House Bill No. 234. A Bill for an Act Requiring All Licensed Liquor Dealers to Make Available Reports, Records, Vouchers, Books, and Other Documents to the State Treasurer; Providing for Examination; Providing Penalties for Delinquencies and for Violations.

Also,

House Bill No. 196. A Bill for an Act to Amend and Re-enact Section 189c14 of the Supplement to the Compiled Laws of 1913 as Amended and Re-enacted by Section 12 of Chapter 153 Session Laws of 1935 Relating to Collection of Premiums for Fire and Tornado Insurance on Public Buildings and Investment by the State Treasurer, and Declaring an Emergency.

Also,

House Bill No. 203. A Bill for an Act to Amend and Re-enact Section 201 of the 1935 Session Laws Relating to Limiting the Hours of Employment of Municipal Employees, Fixing the Penalty for Violation Thereof, and Repealing All Acts and Parts of Acts in Conflict Therewith, and Declaring an Emergency.

Also,

House Bill No. 250. A Bill for an Act to Amend and Re-enact Section 635 of the 1913 Compiled Laws of the State of North Dakota With Reference to Availability of Appropriations, Repealing All Acts in Conflict, and Declaring an Emergency.

Also,

House Bill No. 324. A Bill for an Act to Amend and Re-enact Section 4400 of the Supplement to the 1913 Compiled Laws of North Dakota, Relating to the Affirmative Proof Required in Divorce Actions.

Also,

House Bill No. 233. A Bill for an Act Declaring That All Beer and Ale Manufactured or Sold in the State of North Dakota Containing 4%, or Less, of Alcohol by Weight, Shall Be Controlled by and Subject to the Provisions of the State Laws Relating to 3.2 Alcohol Content Beer; Declaring an Emergency.

Also,

House Bill No. 209. A Bill for an Act to Protect Trade

Mark Owners, Distributors and the Public Against Injurious and Uneconomic Practices in the Distribution of Articles of Standard Quality Under a Distinguished Trade Mark, Brand or Name.

Also,

House Bill No. 311. A Bill for an Act Authorizing the State Treasurer to Execute on Behalf of the State Satisfactions of Mortgages on National Guard Armories in the State of North Dakota Given in Accordance With the Provisions of Chapter 174 of the Session Laws of North Dakota for 1907 and Amendments Thereto, and Declaring an Emergency.

Also,

House Bill No. 291. A Bill for an Act for the Protection of Health and Prevention of Fraud and Deception in Cosmetics; for the Prevention of Adulteration, Misbranding and False Advertising Thereof; Requiring Labeling Thereof; Providing for the Enforcement of the Provisions of the Act; and to Provide Penalties for the Violation Thereof.

Also,

HOUSE CONCURRENT RESOLUTION "E-1"

Also,

HOUSE CONCURRENT RESOLUTION "D-1"

Also,

House Bill No. 98. A Bill for an Act Directing the Board of Administration to Engage Competent Engineering Experts to Determine What Can Be Done to Remedy the Poor Hearing Qualities of the House Chamber and Advise on Cost Thereof; Proceed to Have Same Done if at a Cost Not in Excess of \$2,500; Making an Appropriation, and Declaring an Emergency

Also,

House Bill No. 33. A Bill for an Act to Establish Cream Grading and Testing; to Establish Grades of Cream Quality, Methods for Determining Such Grades and Provisions to Insure the Purchase of Cream on the Basis of Such Grade; to Establish Equitable Differentials of Value Between Grades; Establishing Necessary Licensing Provisions; Providing Penalties for Violation of the Act and Repealing Acts or Parts of Acts in Conflict Herewith.

Also,

House Bill No. 221. A Bill for an Act Permitting and Authorizing the Adoption of Civil Service by Cities Having a Population in Excess of 4,000 According to the Latest Official Census, Federal or State; Providing for Such Adoption by Passage or Ordinance; When Not so Adopted, by Proceeding by Petition and Election Based Thereon; Providing for Abolishing Such Civil Service After Adoption by

Vote of Electors; Prescribing Procedure With Respect There-to; and Penalties for Violations Hereof.

Also,

House Bill No. 204. A Bill for an Act Amending and Re-enacting Section 3274 of the 1913 Compiled Laws of North Dakota Relating to the Authority of County Commissioners to Sell County Real and Personal Property; Authorizing the County Commissioners to Reserve All or Any Part of the Oil, Gas, Coal and/or Mineral Rights in Land so Sold; Repealing All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

Also,

House Bill No. 260. A Bill for an Act to Repeal Sections 10133 and 10134 of the Compiled Laws of North Dakota of 1913 Being the Act Making it Unlawful to Advertise Intoxicating Liquors Within the State and Prescribing Penalty Therefor.

Also,

House Bill No. 136. A Bill for an Act to Amend and Re-enact Sections 5512, 5513, 5514 and 5515 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to Transfer of Interests of Real Estate by Corporations; Repealing All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

Also,

Senate Bill No. 85. A Bill for an Act to Amend Chapter 94 of the Laws of 1935, Relating to Loans and Investments Under the National Housing Act so as to Make Mortgages Insured and Debentures Issued by the Federal Housing Administrator Eligible for Deposit; and for Clarification Purposes.

Also,

Senate Bill No. 113. A Bill for an Act to Authorize and Regulate the Issuance of Bonds for the Purpose of Refinancing or Refinancing and Improving, Revenue-producing Works, Undertakings, and Projects by Cities, Villages and Towns, and to Provide for the Payment of Such Bonds, the Remedies of Holders Thereof; and Declaring an Emergency.

Also,

#### HOUSE CONCURRENT RESOLUTION "O"

Also,

House Bill No. 320. A Bill for an Act to Amend and Re-enact Section 5574 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to the Form of Certificates of Acknowledgment; Repealing All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Also,

House Bill No. 332. A Bill for an Act Creating Pensions for Disabled or Retired Policemen, Their Widows, and Children Under Sixteen Years of Age; Disabled or Retired Police Matrons and Their Children Under Sixteen Years of Age; and Widows of Policemen Who Die in the Service, and Their Children Under Sixteen Years of Age; in Cities Now or Hereafter Having a Population in Excess of Twenty-five (25,000) Thousand by the Last Official Census, Federal or State; and Providing for a Fund Out of Which Such Pensions Shall Be Paid; and for the Establishment of a Pension Board for the Management, Control and Distribution of Such Fund.

Also,

House Bill No. 214. A Bill for an Act to Validate Actions Heretofore Taken in Cities in Connection With Special Elections of the Question of Erecting Electric Light and Power Systems and Authorizing the Construction of Such Systems, and Declaring an Emergency.

Also,

House Bill No. 264. A Bill for an Act Authorizing, Directing and Empowering the Proper Officers of the State of North Dakota to Release Any Interest Which the State of North Dakota Has Against Lot Fifteen (15) and the North Half (N½) of Lot Fourteen (14) in Block Thirty-Nine (39) of the Original Plat of the City of Jamestown, North Dakota, by Virtue of a Loan of \$5,000.00 Made by the State of North Dakota to Said Training School in the Year 1911, and Declaring an Emergency.

And the President signed the same in the presence of the Senate.

Senator Cain moved that the Senate do now recess until 10:00 o'clock A. M.

The Senate stood recessed.

Which motion prevailed.

#### COURTESIES OF THE FLOOR

The courtesies of the floor were extended to:

Herman Frey, Mrs. Herman Frey, Elmer Frey, J. Yaeger, Joe Schmidt, Jamestown; Guy Elken, Mayville; Dr. C. F. Young, Mrs. John Young, LaMoure; Scoop Young, Berlin; Mrs. John Crandall, Frank Ramhorst, Lisbon; Aug. Swanson, Christine.

THOMAS McDONALD,  
Secretary.

FIFTY-NINTH DAY AFTER RECESS AND  
SIXTIETH DAY

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

The Senate convened at 10:00 A. M., pursuant to recess taken, President Thoresen presiding.

House Bill No. 116, which had been made a special order of business for 10:00 o'clock, was placed upon Second Reading and Final Passage.

Senator Coffey moved that House Bill No. 116 be further amended as follows:

On page 6, line 25 of the printed bill, after the word "year," strike out the period, insert a semicolon, and add the following: "Provided, however, such lien shall not have priority over mortgages or liens without the written consent of the mortgagee or lienholder."

On page 7, line 42, of the printed bill, after the word "Act," strike out the period and add the following: "only when the mortgagee or other lienholder consents thereto in writing."

On page 7, line 47 of the printed bill, strike out the following: "Provided, further, that this Act shall be legal notice; that the Hail Indemnity tax levied during any year, after the passage and approval of this Act, are prior and superior to mortgages, contracts for sale of realty, liens and judgments executed or otherwise coming into existence after the approval of this Act."

Roll call demanded and granted.

ROLL CALL

The question being on the motion of Senator Coffey to amend House Bill No. 116, the roll was called and there were ayes, 22; nays, 24; absent and not voting 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Magoffin
Cain	Guthrie	McGillic

Messrs.	Messrs.	Messrs.
Coffey	Kroeber	Nelson, Grand Fks.
Crandall	Lavik	Topp
Drew	Lian	Watt
Fowler	Lowe	Whelan
Gilbertson	Lynn	Young
Gronvold		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Bilden	Lemke	Streibel
Brostuen	Morrison	Stucke
Ettestad	Mutchler	Thatcher
Fine	Nelson, Barnes	Thorson
Greene	Olson	Trout
Johnson	Owings	Vinje
Kamrath	Skarvold	Williams
Kolpin	Strehlow	Wog

Absent and not voting:

Messrs.	Messrs.	Messrs.
Blaisdell	Fredrickson	Hulteng

So the motion was declared lost.

## SECOND READING OF HOUSE BILLS

House Bill No. 116. A Bill for an Act to Amend and Re-enact Sections 189b1 to 189b30, Inclusive, of the 1925 Supplement to the Compiled Laws of North Dakota, as Amended; Relating to State Hail Insurance; Providing for Compulsory State Hail Insurance; Levying a Flat Hail Insurance Tax of One Cent on Each Acre of Tillable Land in North Dakota; Providing for the Levy and Collection of an Indemnity Tax Upon Insured Lands, Fixing the Amounts and Providing for Adjustment of Claims of Indemnity; Defining the Duties of Assessors, Auditors and Treasurers; Abatement of Hail Indemnity Tax and Correction of Records; Providing for Special State Hail Insurance; Repealing All Acts or Parts of Acts in Conflict Herewith, 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, 22; nays, 25; absent and not voting 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Lemke	Streibel
Brostuen	Lynn	Stucke
Fine	Morrison	Thatcher
Fredrickson	Olson	Thorson
Greene	Owings	Vinje
Johnson	Skarvold	Williams
Kamrath	Strehlow	Young
Kolpin		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Mutchler
Blaisdell	Guthrie	Nelson, Barnes
Cain	Kroeber	Nelson, Grand F'ks.
Crandall	Lavik	Topp
Drew	Lian	Trout
Ettestad	Lowe	Watt
Fowler	Magoffin	Whelan
Gilbertson	McGillic	Wog
Gronvold		

Absent and not voting:

Messrs.	Messrs.
Coffey	Hulteng

So the bill was declared lost.

Senator Watt moved that the vote by which House Bill No. 116 was lost be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Olson: It seems that most of the opposition to this bill comes from those who own land and have renters. I vote "aye".

Senator Watt: The gentleman from Mountrail says the opposition to this bill is all from men that own land and have tenants. I am a landowner and I have no tenants. I vote "no".

Senator Ettestad: The statement has been made that the opposition is from those that have land and have renters on it. My objection is not for that reason. I am renting land from a landlord. I don't think it is fair to the landlords. Therefore, I vote "no."

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to transmit herewith the following resolution and bills:

#### HOUSE CONCURRENT RESOLUTION No. 356.

Also,

House Bill No. 212. A Bill for an Act Requiring Certain Matters to Be Considered by the Board of Railroad Commissioners in Determining Rates to Be Allowed to Public Utilities Under Their Jurisdiction; Repeal.

Also,

House Bill No. 359. A Bill for an Act to Amend and Re-



enact Sections 3 of Chapter 257 of the 1933 Session Laws, Relating to Delinquency of Real Estate Taxes, Fixing Penalties; and Declaring an Emergency.

Also,

House Bill No. 240. A Bill for an Act to Amend and Re-enact Section 1, Chapter 159, Session Laws for 1930, as Amended and Re-enacted by Chapter 130, Session Laws for the Year 1933, and as Again Amended and Re-enacted by Chapter 142 of the Session Laws for the Year 1935, Defining Imitation Ice Cream, Providing Penalty for Violation and Declaring an Emergency.

Also,

House Bill No. 312. A Bill for an Act Authorizing the State Highway Commissioner to Administer Feeder or Other Roads for Which Federal Appropriations Are Made.

Also,

House Bill No. 246. A Bill for an Act to Amend and Re-enact Section 2, of Chapter 141, of the 1927 Session Laws, Relating to the Prevention of Fraud and Deception in the Manufacture and Sale of Concentrated, Commercial Feeding Stuffs and Providing for Registration and Labeling Thereof and Repealing Acts in Conflict Therewith.

Also,

House Bill No. 201. A Bill for an Act Providing for the Regulation of Dealers in Livestock and Poultry and Defining Who are Dealers; Act Not Applicable, To Whom: License and Bond Required; Duties of Carrier When Shipment of Livestock and Poultry Offered; Powers and Duties of Railroad Commission; Acts of Deceit, Fraud, Dishonesty, and Appropriating Fees Collected to the Use of the Board of Railroad Commissioners for the Administration and Enforcement of the Act Authorizing the Board of Railroad Commissioners to Apply to the District Court for its Appointment as Trustee for the Benefit of Holders of Claims Against Livestock Dealers and Livestock or Poultry Purchased by Said Dealers, and to Marshal the Trust Assets of Such Insolvent and Distribute Such Trust Assets Among Such Claimants; Penalty for Violation of Act; and, Repealing All of Chapter 2 of the Session Laws of the State of North Dakota for the year 1935; and Repealing All Acts in Conflict Herewith; and Making the Act an Emergency Measure.

Also,

House Bill No. 107. A Bill for an Act to Amend and Re-enact Section 2572a of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Providing for the Settlement of the Expenses of Patients in the Hospital for the Insane, the Institution for the Feeble-Minded and State Tuberculosis Sanatorium, Between the Various Counties, the State and Such Institutions, Providing for Disputed Claims, Repealing All Acts in Conflict Therewith, and Declaring an Emergency.

Also,

House Bill No. 207. A Bill for an Act to Amend and Re-enact Section 7297 of the Supplement to the 1913 Compiled Laws of North Dakota, as amended by Chapter 165 of the Session Laws of North Dakota for 1927 Relating to Holidays.

Also,

House Bill No. 108. A Bill for an Act to Amend and Re-enact Section 2579 of the 1925 Supplement to the Compiled Laws of the State of North Dakota for 1913, Providing That the Expenses for the Treatment and Maintenance of Insane Persons in the State Hospital for the Insane Shall Be Charged Against the Estate of Such Persons, Providing for the Disposition of Property of Insane Persons, Repealing All Acts in Conflict Therewith and Declaring an Emergency.

Also,

House Bill No. 230. A Bill for an Act Prohibiting Electrical Power Companies From Charging a Deposit Upon Any Meter Installed Upon the Premises of Any User of Current Unless Interest Is Paid Annually Upon Such Deposit.

Also,

House Bill No. 121. A Bill for the Use of Tax Reports of Public Utilities by the Board of Railroad Commissioners in Determining Valuations for Rate-Making Purposes.

Which the Speaker has signed and your signature is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to return herewith the following bills:

House Bill No. 140. A Bill for an Act Relating to Public Utilities, Reports of Public Utilities to the Board of Railroad Commissioners; Valuations of Public Utilities Made by the Board of Railroad Commissioners; Duties of State Board of Equalization and/or State Tax Commissioner.

Also,

House Bill No. 357. A Bill for an Act to Apply and Make Applicable the Provisions of the House Bill No. 32 of the Twenty-Fifth Legislative Assembly and Chapter 195 of the Laws of 1935 as Amended by House Bill Number 32 Afore-said, to "Warrants for Emergency Poor Relief" Issued Pur-

suant to Chapter 120 of the Laws of 1935 and Issued Prior to January 1st, 1939.

Also,

House Bill No. 234. A Bill for an Act Requiring All Licensed Liquor Dealers to Make Available Reports, Records, Vouchers, Books, and Other Documents to the State Treasurer; Providing for Examination; Providing Penalties for Delinquencies and for Violations.

Also,

House Bill No. 196. A Bill for an Act to Amend and Re-enact Section 189c14 of the Supplement to the Compiled Laws of 1913 as Amended and Re-enacted by Section 12 of Chapter 153 Session Laws of 1935 Relating to Collection of Premiums for Fire and Tornado Insurance on Public Buildings and Investment by the State Treasurer, and Declaring an Emergency.

Also,

House Bill No. 203. A Bill for an Act to Amend and Re-enact Section 201 of the 1935 Session Laws Relating to Limiting the Hours of Employment of Municipal Employees, Fixing the Penalty for Violation Thereof, and Repealing All Acts and Parts of Acts in Conflict Therewith.

Also,

House Bill No. 250. A Bill for an Act to Amend and Re-enact Section 635 of the 1913 Compiled Laws of the State of North Dakota With Reference to Availability of Appropriations, Repealing All Acts in Conflict, and Declaring an Emergency.

Also,

House Bill No. 324. A Bill for an Act to Amend and Re-enact Section 4400 of the Supplement to the 1913 Compiled Laws of North Dakota, Relating to the Affirmative Proof Required in Divorce Actions.

Also,

House Bill No. 233. A Bill for an Act Declaring That All Beer and Ale Manufactured or Sold in the State of North Dakota Containing 4%, or Less, of Alcohol by Weight, Shall Be Controlled by and Subject to the Provisions of the State Laws Relating to 3.2 Alcohol Content Beer; Declaring an Emergency.

Also,

House Bill No. 209. A Bill for an Act to Protect Trade Mark Owners, Distributors and the Public Against Injurious and Uneconomic Practices in the Distribution of Articles of Standard Quality Under a Distinguished Trade Mark, Brand or Name.

Also,

House Bill No. 311. A Bill for an Act Authorizing the State Treasurer to Execute on Behalf of the State Satisfactions of Mortgages on National Guard Armories in the State of North Dakota Given in Accordance With the Provisions of Chapter 174 of the Session Laws of North Dakota for 1907 and Amendments Thereto, and Declaring an Emergency.

Also,

House Bill No. 291. A Bill for an Act for the Protection of Health and Prevention of Fraud and Deception in Cosmetics; for the Prevention of Adulteration, Misbranding and False Advertising Thereof; Requiring Labeling Thereof; Providing for the Enforcement of the Provisions of the Act; and to Provide Penalties for the Violation Thereof.

Which the President has signed.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to return:

House Bill No. 247. A Bill for an Act to Amend and Re-enact Section Six (6) of That Certain Initiated Law Adopted by the Voters of the State of North Dakota at the Special Election Held September 22, 1933, Entitled as Follows: "An Act Defining and Providing for the Manufacture, Sale and Distribution of Beer, Providing Revenue Therefrom, and Licenses Therefor, Prohibiting the Transfer of Licenses, Excluding Certain Persons from the Right to Purchase the Same, Appointing a State Beer Commissioner and Defining His Powers, Duties, and Salary; Authorizing Cities, Villages and County Commissioners to Provide a Local Tax and Prescribe Rules and Regulations Under Which Beer May Be Sold and Authorizing Municipalities to Provide Penalties for Violation of Their Regulations; Providing for the Administrative Expense of This Act; Making it Unlawful for Any Person to Engage in the Manufacture or Sale of Beer Without First Obtaining a License Therefor; Providing a Penalty for the Violation of the Provision Thereof; Providing for a Saving Clause as to Constitutionality; and Repealing All Acts or Parts of Act in Conflict With This Act, and Making an Appropriation to Carry Out the Provisions Hereof," and Declaring an Emergency.

Which the Senate has amended as follows:

In line 3 of the title of the engrossed bill after the following figures "1933" amended and re-enacted by Chapter 98 of the Session Laws of the State of North Dakota for the year 1935.

The message on House Bill No. 247 as found on page 1504 of the Senate Journal was an error.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to return herewith the following bills and resolutions:

House Bill No. 163. A Bill for an Act to Amend and Re-enact Section 4969, Compiled Laws of North Dakota for 1931; Requiring Accident and Sickness Insurance Corporations, Associations or Societies to Have and Maintain Admitted Assets of \$5,000.00; Repealing All Acts or Parts of Acts in Conflict Herewith; and Declaring an Emergency.

Also,

House Bill No. 173. A Bill for an Act to Amend and Re-enact Section 7 of Chapter 152 of the Session Laws of North Dakota for 1935, Relating to the Licensing of Resident Agents for Surety and Insurance Companies Other Than Life Insurance Companies; and Declaring an Emergency.

Also,

House Bill No. 124. A Bill for an Act Relating to the Jurisdiction and Powers of the Board of Railroad Commissioners of the State of North Dakota, Relating to Hearings and Investigations in Connection With Public Utilities; and Relating to the Payment of Expenses of Hearings, and Investigations, and Valuations, and/or Revaluations, and of Methods of Assessing and Collecting the Same, Re-creating and Continuing "Public Utility Fund," a Revolving Fund, and Declaring an Emergency, and Repealing All Acts or Parts of Acts in Conflict Herewith, Except the Provisions of Acts Relating to "Public Utility Fund."

Also,

House Bill No. 139. A Bill for an Act to Amend and Re-enact Section 9020 of the Compiled Laws of North Dakota for the Year 1913, and to Provide for the Furnishing of Surety for Costs by Plaintiffs Who Are Non-Residents or Corporations Other Than United States Corporations; Declaring an Emergency.

Also,

HOUSE CONCURRENT RESOLUTION "Q".

Also,

House Bill No. 353. A Bill for an Act Making an Emergency Appropriation to Provide for Aid for Livestock Feeds, in the Form of Loans, to Farmers in Drouth-stricken Counties of This State, Providing for the Distribution of Such Appropriation Among the Counties by the Public Welfare Board of North Dakota, with the Counsel and Assistance of the Commissioner of Agriculture and Labor; Prescribing the Duties of County Officers in Relation to Such Livestock Feed Aid, and Declaring an Emergency.

Also,

House Bill No. 249. A Bill for an Act Providing for the Collection of Real Property Taxes by the Collection of Rents from Such Property, Providing for the Duties of the District Court and the County Treasurer in Connection Therewith, Providing for the Service of the Court Order, the Application of Such Rents by the County Treasurer, Providing for Contempt for Failure to Comply with the Order of the Court, Providing That the Payments of the Rent Under the Order Shall Have Precedence Over Prior and Subsequent Liens and Assignments, Providing for Appeals, Providing That the Remedy is in Addition to Other Remedies, Repealing All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

Also,

House Bill No. 15. A Bill for an Act to Encourage the Investment of Moneys in the State of North Dakota, and to Encourage the Development of the Natural Resources of this State, and to Provide a Market for the Gas and Oil Deposits in this State, Including Those Owned by the State of North Dakota, and the Counties Thereof, and to Permit the Marketing of Such Natural Resources by Selling Natural Gas and Oil to the State, County, and School Districts, Upon Condition That the Seller Purchase From Actual Production or Produce in this State an Amount of Gas or Oil at Least Equivalent to the Amount it Delivers to Said State, County and School District Buildings, and Requiring Such Sellers to Make Reports of its Sale and Purchase and Production, Under Oath, and Providing a Penalty for Violation Thereof, and Repealing Acts in Conflict Herewith.

Also,

House Bill No. 123. A Bill for an Act Relating to Petitions by Patrons and Users of Services of Public Utility Companies for Reduction of Public Utility Rates, Authorizing Negotiations Touching Such Rates, Providing for Temporary Reductions or Increases in Rates, and for Refunds and Reparations, and Jurisdiction and Duties of the Board of Railroad Commissioners, and Declaring an Emergency, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Also,

House Bill No. 130. A Bill for an Act to Amend and Re-enact Section 3264 of the Compiled Laws of North Dakota for 1913 Relating to the Term of Office of County Commissioners.

Also,

House Bill No. 156. A Bill for an Act Levying a Tax of One-half of One Mill Upon Each Dollar of Assessed Valuation of All Taxable Property Within the State for the Years 1937 and 1938, for the Purpose of Paying the Interest and Creating a Sinking Fund for the Payment of the Principal of the North Dakota Real Estate Bonds Now Outstanding.

Also,

House Bill No. 137. A Bill for an Act Amending and Re-enacting Section 7812 of the Compiled Laws of North Dakota for the Year 1913, as to the Furnishing of Surety for Costs in District Court Actions by Plaintiffs Who Are Non-Residents of the State or Foreign Corporations Other Than United States Corporations; and Declaring an Emergency.

Also,

HOUSE CONCURRENT RESOLUTION "E-1".

Also,

HOUSE CONCURRENT RESOLUTION "D-1".

Also,

House Bill No. 98. A Bill for an Act Directing the Board of Administration to Engage Competent Engineering Experts to Determine What Can Be Done to Remedy the Poor Hearing Qualities of the House Chamber and Advise on Cost Thereof; Proceed to Have Same Done if at a Cost Not in Excess of \$2,500; Making an Appropriation, and Declaring an Emergency.

Also,

House Bill No. 33. A Bill for an Act to Establish Cream Grading and Testing; to Establish Grades of Cream Quality, Methods for Determining Such Grades and Provisions to Insure the Purchase of Cream on the Basis of Such Grade; to Establish Equitable Differentials of Value Between Grades; Establishing Necessary Licensing Provisions; Providing Penalties for Violation of the Act and Repealing Acts or Parts of Acts in Conflict Herewith.

Also,

House Bill No. 221. A Bill for an Act Permitting and Authorizing the Adoption of Civil Service by Cities Having a Population in Excess of 4,000 According to the Latest Official Census, Federal or State; Providing for Such Adoption by Passage or Ordinance; When Not so Adopted, by Proceeding by Petition and Election Based Thereon; Providing for Abolishing Such Civil Service After Adoption by Vote of Electors; Prescribing Procedure With Respect There-to; and Penalties for Violations Hereof.

Also,

House Bill No. 204. A Bill for an Act Amending and Re-enacting Section 3274 of the 1913 Compiled Laws of North Dakota Relating to the Authority of County Commissioners to Sell County Real and Personal Property; Authorizing the County Commissioners to Reserve All or Any Part of the Oil, Gas, Coal and/or Mineral Rights in Land so Sold; Repealing All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

Also,

House Bill No. 260. A Bill for an Act to Repeal Sections

10133 and 10134 of the Compiled Laws of North Dakota of 1913 Being the Act Making it Unlawful to Advertise Intoxicating Liquors Within the State and Prescribing Penalty Therefor.

Also,

House Bill No. 136. A Bill for an Act to Amend and Reenact Sections 5512, 5513, 5514 and 5515 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to Transfer of Interests of Real Estate by Corporations; Repealing All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

Also,

#### HOUSE CONCURRENT RESOLUTION "O"

Also,

House Bill No. 320. A Bill for an Act to Amend and Reenact Section 5574 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to the Form of Certificates of Acknowledgment; Repealing All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Also,

House Bill No. 332. A Bill for an Act Creating Pensions for Disabled or Retired Policemen, Their Widows, and Children Under Sixteen Years of Age; Disabled or Retired Police Matrons and Their Children Under Sixteen Years of Age; and Widows of Policemen Who Die in the Service, and Their Children Under Sixteen Years of Age; in Cities Now or Hereafter Having a Population in Excess of Twenty-five (25,000) Thousand by the Last Official Census, Federal or State; and Providing for a Fund Out of Which Such Pensions Shall Be Paid; and for the Establishment of a Pension Board for the Management, Control and Distribution of Such Fund.

Also,

House Bill No. 214. A Bill for an Act to Validate Actions Heretofore Taken in Cities in Connection With Special Elections of the Question of Erecting Electric Light and Power Systems and Authorizing the Construction of Such Systems, and Declaring an Emergency.

Also,

House Bill No. 264. A Bill for an Act Authorizing, Directing and Empowering the Proper Officers of the State of North Dakota to Release Any Interest Which the State of North Dakota Has Against Lot Fifteen (15) and the North Half (N½) of Lot Fourteen (14) in Block Thirty-Nine (39) of the Original Plat of the City of Jamestown, North Dakota, by Virtue of a Loan of \$5,000.00 Made by



the State of North Dakota to Said Training School in the Year 1911, and Declaring an Emergency.

Which the President has signed.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to transmit herewith the following:

SENATE CONCURRENT RESOLUTION "O".

Also,

Senate Bill No. 11. A Bill for an Act Making an Appropriation for the Purpose of Paying a Bounty on Wolves and Coyotes as Provided for Under Sections 2645 to 2656, Inclusive, of the Supplement to the Compiled Laws of 1913 as Amended by Chapter 283, Session Laws of 1927, and as Amended by Chapter 9, Session Laws of 1933, and as Amended by Chapter 7, Session Laws of 1935; and Magpie Bounty as Provided for by Section 2656b1 to 2656b9, Inclusive, of the Supplement to the 1913 Compiled Laws of North Dakota; and Declaring an Emergency.

Also,

Senate Bill No. 142. A Bill for an Act to Amend and Re-enact Chapter 81 of the Session Laws for the Year 1933, Relating to Bonds from Contractors on Public Improvements; Repealing Section 6835 of the Compiled Laws for the Year 1913, and All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Also,

Senate Bill No. 194. A Bill for an Act to Regulate the Business of Selling Used Motor Vehicles by Dealers Not Residing in or Having a Permanent Place of Business in This State, and by Resident Dealers Purchasing, Handling and Selling Used Motor Vehicles Received or Acquired From Non-Resident Dealers; Requiring the Registration of All Used Motor Vehicles Brought Into This State for the Purpose of Sale to Be Registered With the Motor Vehicle Registrar, and Requiring All Such Dealers to Execute and Deliver to Each Purchaser a Bond Indemnifying the Purchaser Against Failure of Title, Breach of Warranty or Fraudulent Misrepresentation; Requiring Delivery of a Certificate of Title and Providing Penalties for the Violation of the Provisions of This Act.

Also,

Senate Bill No. 180. A Bill for an Act Providing for a Compact Between the States of Minnesota, South Dakota and North Dakota, Authorizing the Creation of a Tristate

Waters Commission With Power to Supervise the Utilization and Control of the Waters of That Portion of the Drainage Basin of the Red River of the North Lying Within Minnesota, South Dakota and North Dakota.

Also,

Senate Bill No. 20. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary and Miscellaneous General Expenses of the Department of Minimum Wage.

Also,

Senate Bill No. 101. A Bill for an Act to Amend and Re-enact Chapter 208 of the Session Laws of North Dakota for the Year 1935, Relating to Tax Limitations of Cities.

Also,

Senate Bill No. 187. A Bill for an Act Providing for Establishing, on Petition, of Temporary and Permanent Farm and Rural Home Advisory Councils, Under Whose Guidance Shall Be Conducted Agricultural, Home Economics and 4-H Club Programs, Providing for the Levy of an Annual Tax Therefor and for Term of Office of Council, Manner of Creating and Provision for Traveling Expense of Permanent Council, for the Appointment of Extension Agents, the Budgeting of Expenses and for Procedure to Discontinue Levy for Agricultural, Home Economics, and 4-H Club Programs in Any County, Providing for Applicability of This Act to Counties Where the County Extension Work Has Been Provided and is Being Conducted Under the Statutes in Force Prior to the Enactment of This Act, and for the Discontinuance in Such Counties Within a Fixed Period of the County Work so Performed Under Former Statutes, and Repealing Section 3259A of the 1925 Supplement to the Compiled Laws of 1913 and All Acts or Parts of Acts in Conflict Herewith.

Also,

Senate Bill No. 175. A Bill for an Act to Amend and Re-enact Section 1373, Session Laws of 1911, Chapter 266.

Also,

Senate Bill No. 85. A Bill for an Act to Amend Chapter 94 of the Laws of 1935, Relating to Loans and Investments Under the National Housing Act so as to Make Mortgages Insured and Debentures Issued by the Federal Housing Administrator Eligible for Deposit; and for Clarification Purposes.

Also,

Senate Bill No. 113. A Bill for an Act to Authorize and Regulate the Issuance of Bonds for the Purpose of Refinancing or Refinancing and Improving, Revenue-producing Works, Undertakings, and Projects by Cities, Villages and Towns, and to Provide for the Payment of Such Bonds, the Remedies of Holders Thereof; and Declaring an Emergency.

Which the President has signed and your signature is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary

Senator Cain moved that House Bill No. 346 be placed at the head of the calendar.

Which motion prevailed.

### SECOND READING OF HOUSE BILLS

House Bill No. 346. A Bill for an Act Providing for the Formation of Cooperative, Non-profit, Membership Corporations to Be Known as Electric Membership Corporations for the Purpose of Promoting and Encouraging the Fullest Possible Use of Electric Energy in the State by Making Electric Energy Available to the Inhabitants of the State at the Lowest Cost Consistent With Sound Economy and Prudent Management of the Business of Such Corporations; Providing for the Rights, Powers and Duties of Such Corporations; Authorizing and Regulating the Issuance of Bonds by Such Corporations; and Providing for the Payment of Such Bonds and the Rights of the Holders Thereof.

Was read the second time.

Senator Cain moved that the report of the Standing Committee on House Bill No. 346, found on page 1474 of the Senate Journal, be amended as follows:

In Section 31, line 8, following the word "amended", insert a period and strike out the balance of the Section.

Which motion prevailed.

Senator Cain moved that the rules be suspended and House Bill No. 346 be placed on second reading and final passage as amended by the standing committee and as amended from the floor.

Which motion prevailed.

### ROLL CALL

The question being on the final passage of House Bill No. 346, as amended, the roll was called and there were ayes, 44; nays, 3; absent and not voting 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Asen	Guthrie	Owings
Bilden	Johnson	Skarvold
Blaisdell	Kamrath	Strehlow
Brostuen	Lavik	Streibel
Cain	Lemke	Stucke
Crandall	Lian	Thorson
Drew	Lowe	Topp
Ettestad	Lynn	Trout

Messrs.	Messrs.	Messrs.
Fine	Magoffin	Vinje
Fowler	McGillic	Watt
Fredrickson	Morrison	Whelan
Gilbertson	Mutchler	Williams
Greene	Nelson, Barnes	Wog
Gronvold	Nelson, Grand Fks	Young
Guenther	Olson	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Kolpin	Kroeber	Thatcher

Absent and not voting:

Messrs.	Messrs.
Coffey	Hulteng

So the bill passed and the title was agreed to.

Senator Strehlow moved that the vote by which House Bill No. 346 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 336. A Bill for an Act to Amend and Re-enact Section 9 of Chapter 135 of the Session Laws of 1935; Providing for the Election of Party Precinct Committeemen; for the Organization of Party, County and State Committees; Establishing the Qualifications of Delegates and Committeemen; Providing for the Organization of Party, County and State Committees; Providing for the Nomination of Candidates for Presidential Electors; Repealing Acts or Parts of Acts in Conflict Herewith and Declaring an Emergency.

Was read the second time.

Senator Young moved that House Bill No. 336 be amended by striking out the following amendment which appears on page 1365 of the Senate Journal:

On page 3 of the printed bill following line 41, insert: "Section 2. ELECTION JUDGES AND CLERKS.) Each Judge of election hereafter named under the provisions of Chapter 136 Session Laws of 1937 shall appoint one clerk of election".

Which motion prevailed.

Senator Mutchler moved that the rules be suspended and House Bill No. 336 be placed upon Second Reading and Final Passage as amended.

Which motion prevailed.

#### ROLL CALL

The question being on the final passage of House Bill No. 336, as amended, the roll was called and there were ayes, 34; nays, 13; absent and not voting 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Owings
Bilden	Kamrath	Skarvold
Blaisdell	Kolpin	Strehlow
Brostuen	Kroeber	Streibel
Crandall	Lemke	Stucke
Drew	Lian	Thorson
Fine	Magoffin	Topp
Fredrickson	Morrison	Watt
Gilbertson	Mutchler	Williams
Greene	Nelson, Barnes	Wog
Gronvold	Olson	Young
Guenther		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Cain	Lowe	Thatcher
Ettestad	Lynn	Trout
Fowler	McGillic	Vinje
Guthrie	Nelson, Grand Fks.	Whelan
Lavik		

Absent and not voting:

Messrs.	Messrs.
Coffey	Hulteng

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Senator Fowler: I vote "no" on this bill for the reason that the bill, as I read it provides for the election of delegates on each election year. All these delegates can do is elect presidential electors and national committeemen and that is only necessary in presidential years. As I read the bill it provides for a meeting of precinct committeemen each election year.

Senator Strehlow moved that the Senate reconsider the vote by which House Bill No. 336 was passed.

Which motion prevailed.

Senator Cain moved that House Bill No. 336 be placed at the foot of the calendar.

Which motion prevailed.

House Bill No. 253. A Bill for an Act Amending Articles 2889b4, 2889b5 and 2889b6 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, and Being Part of Article 40b of Chapter 38 of the Political Code, Relating to Food and Drugs, and Known as the North Dakota Food and Drug Act.

Was read the second time.

Senator Strehlow moved that further consideration of House Bill No. 253 be indefinitely postponed.

Which motion was lost.

Senator Fowler moved that House Bill No. 253 be amended by striking out all of Section 7 of the engrossed bill and renumbering the following sections.

Roll call demanded and granted.

### ROLL CALL

The question being on the motion of Senator Fowler to amend House Bill No. 253, the roll was called and there were ayes, 15; nays, 32; absent and not voting 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Bilden	Guthrie	Nelson, Barnes
Blaisdell	Lavik	Nelson, Grand Fks.
Fowler	Lowe	Strehlow
Gilbertson	Lynn	Watt
Gronvold	Magoffin	Whelan

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Streibel
Brostuen	Kamrath	Stucke
Cain	Kolpin	Thatcher
Coffey	Kroeber	Thorson
Crandall	Lemke	Topp
Drew	Lian	Trout
Ettestad	McGillic	Vinje
Fine	Morrison	Williams
Fredrickson	Olson	Wog
Greene	Owings	Young
Guenther	Skarvold	

Absent and not voting:

Messrs.	Messrs.
Hulteng	Mutchler

So the motion was lost.

### ROLL CALL

The question being on the final passage of House Bill No. 253, the roll was called and there were ayes, 29; nays, 18; absent and not voting 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Thatcher
Brostuen	Kamrath	Thorson
Cain	Kolpin	Topp
Crandall	Lemke	Trout
Drew	Lian	Vinje
Ettestad	Olson	Watt

Messrs.	Messrs.	Messrs.
Fine	Owings	Williams
Fowler	Skarvold	Wog
Fredrickson	Streibel	Young
Greene	Stucke	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Bilden	Guthrie	McGillic
Blaisdell	Kroeber	Morrison
Coffey	Lavik	Nelson, Barnes
Gilbertson	Lowe	Nelson, Grand Fks.
Gronvold	Lynn	Strehlow
Guenther	Magoffin	Whelan

Absent and not voting:

Messrs.	Messrs.
Hulteng	Mutchler

So the bill passed and the title was agreed to.

Senator Young moved that the vote by which House Bill No. 253 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to return:

House Bill No. 150. A Bill for an Act to Amend and Re-enact Section 5, of Chapter 166, of the 1929 Session Laws of the State of North Dakota, Relating to Tax on Motor Fuels and for the Distribution of the Revenues Derived from Said Tax.

Which the Senate has amended as shown on page 1233 of the Senate Journal.

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to return:

Senate Bill No. 42. A Bill for an Act Making an Appropriation for the Use and Benefit of the North Dakota Firemen's Association in Promoting Regional Fire Schools, and

Other Activities of Such Association, as Provided for Under Chapter 137, Session Laws of 1935.

Which the House has amended as shown on page 1744 of House Journal.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to return:

Senate Bill No. 68. A Bill for an Act in Relation to Public Welfare and Social Security; to Provide for Public Aid to Dependent Children, and Prescribing the Duties of the State Public Welfare Board and the County Welfare Boards in the Administration Thereof, and Declaring an Emergency, and Repealing Chapter 165 of the Laws of 1925, Sections 2546a1 to 2546a10, Inclusive, of the 1925 Supplement to the 1913 Compiled Laws of North Dakota.

Which the House has amended as shown on page 1745 of House Journal.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to return:

Senate Bill No. 161. A Bill for an Act to Promote the Public Welfare by Providing for Assistance for Crippled Children and for Child Welfare Services.

Which the House has amended as shown on page 1755 of House Journal.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to return:

Senate Bill No. 141. A Bill for an Act to Promote the Public Welfare by Providing for Public Assistance to Aged Persons in Need.



FRIDAY, MARCH 5, 1937

1433

Which the House has amended as shown on page 1788 of House Journal.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to return

Senate Bill No. 98. A Bill for an Act to Promote the Public Welfare by Providing Aid to the Needy Blind.

Which the House has amended as shown on page 1788 of the House Journal.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to return

Senate Bill No. 62. A Bill for an Act to Create an Unemployment Compensation Fund from Contributions by Employers for the Payment of Compensation for Involuntary Unemployment, to Provide for Merit Ratings for Employers, to Create an Unemployment Compensation Division in the Workmen's Compensation Bureau, to Transfer the North Dakota State Employment Service to the Workmen's Compensation Bureau as a Division Thereof, to Provide for Compensation With the Social Security Board of the United States of America, to Provide for an Employment Service Account and an Appropriation Therefor, Defining and Regulating the Administration of This Act, to Provide for Penalties for Violation of Said Act, and Declaring an Emergency.

Which the House has amended as shown on page 1741 of the House Journal.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to return

Senate Bill No. 132. A Bill for an Act to Repeal Chapter 254, Laws 1933, Relating to Old Age Pensions and to Cancel All Claims or Rights of Claim on Behalf of the State or Any County by Virtue of Pensions Paid Under Said Act and All

Transfers of Property Made by Any Applicant for Pension Under Said Act.

Which the House has amended as shown on page 1821 of the House Journal.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to return

Senate Bill No. 222. A Bill for an Act Establishing and Defining the Powers and Duties of a State Soil Conservation Committee; Providing for the Creation of Soil Conservation Districts and Defining the Powers and Duties Thereof; Empowering Such Districts to Adopt Programs and Regulations in Connection With Land Use Practices; Providing for the Selection of District Supervisors; Providing for the Adoption of Land Use Regulations and Providing Penalty for Violation of the Same; Providing for Boards of Adjustment in Connection with Land Use Regulations; Providing for the Discontinuance of Districts; Making an Appropriation and Declaring an Emergency.

Which the House has amended as shown on page 1883 of the House Journal.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to return:

Senate Bill No. 153. A Bill for an Act to Prevent Fraud and Deception in the Sale of Livestock Medicines; Providing for the Registration and Labeling of Livestock Medicines; Authorizing Rules and Regulations for the Administration of this Act; Prescribing the Method of Revocation of Such Registration and Prescribing a Penalty for the Violation Thereof.

Which the House has amended as shown on page 1895 of House Journal.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to return:

Senate Bill No. 74. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Training School, Mandan, North Dakota.

Which the House has amended as shown on page 1744 of House Journal.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to return:

Senate Bill No. 208. A Bill for an Act to Amend and Re-enact Chapter 244 of the Session Laws of North Dakota for 1935, Requiring Judgment Creditors to File an Affidavit Identifying the Judgment Debtor, Forbidding Clerks of Court, and Other Officers to Enter Judgments Without Affidavits of Identification, and Providing a Penalty for Failure to Comply With This Law.

Also,

Senate Bill No. 151. A Bill for an Act to Authorize, Regulate and Control the Transportation, Importation, Handling, Possession, Purchase, Sale and Dispensing of Alcohol and Alcoholic Beverages, as Now Defined by Law, in This State by Common Carriers, Providing for the Method of Taxing and Licensing Alcohol and Alcoholic Beverages When Handled and Sold by Common Carriers, and of Expanding and Distributing the Revenues from Such Taxes and Licenses, and Providing Penalties for the Violation of This Act; and Declaring an Emergency.

Also,

Senate Bill No. 114. A Bill for an Act to Declare the Necessity of Creating Public Bodies Corporate and Politic to Be Known as Housing Authorities to Undertake Slum Clearance and Projects to Provide Dwelling Accommodations for Persons of Low Income; to Create Such Housing Authorities in Cities Having a Population of More Than 5000 Inhabitants and in Counties; to Define the Powers and Duties of Housing Authorities and to Provide for the Exercise of Such Powers, Including Acquiring Property, Borrowing Money, Issuing Bonds and Other Obligations, and Giving Security Therefor; to Provide that Housing Authorities May Obtain the Attorney General's Opinion Upon Their Bonds; to Provide that Housing Authorities, Their Property and Securities Shall be Exempt From Taxation and Assessment, But to Authorize Certain Payments in Lieu of Taxes; to Confer Remedies on Obligees of Housing Authorities; and to Declare an Emergency.

Also,

Senate Bill No. 226. A Bill for an Act Amending and Re-enacting Section 69 of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, Relating to Printing of Popular and Authenticated Editions of the Session Laws, Reducing Numbers of Copies of Popular Editions Required to Be Printed, and Repealing All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Also,

Senate Bill No. 140. A Bill for an Act to Amend and Re-enact Section 1649 of the Compiled Laws of the State of North Dakota for the Year 1913, Providing for Experimentation and Testing of State Minerals or Allied Industrial Resources of the School of Mines at the University of North Dakota, or at Any Mining Experimental Station, or Substation Wheresoever Situated in the State of North Dakota, and Providing for the Patenting of Processes and Inventions Discovered and Developed by Such Experimentation, and Declaring an Emergency.

Also,

Senate Bill No. 157. A Bill for an Act Concerning Changes in the Tariffs, Rates, Joint Rates, Fares, Tolls, Schedules or Classifications or Service; Repealing All Acts or Parts of Acts in Conflict Herewith; and Declaring this Act to be an Emergency Measure.

Also,

Senate Bill No. 118. A Bill for an Act Making an Appropriation for Salaries and Expenses of the State Geological Survey and for Co-operation of United States Geological Survey.

Also,

Senate Bill No. 17. A Bill for an Act Making an Appropriation for the Purpose of Paying Salaries, Clerkhire and General Expenses of the Division of Child Hygiene.

Also,

Senate Bill No. 243. A Bill for an Act Making an Emergency Appropriation for High School Correspondence Courses; and Declaring an Emergency.

Also,

Senate Bill No. 75. A Bill for an Act Making an Additional Appropriation to Care for the Operating Expenses of the 1935-1937 Biennium of the State Training School, Mandan, North Dakota, and Declaring an Emergency.

Also,

Senate Bill No. 110. A Bill for an Act Validating, Ratifying, Approving, and Confirming Certain Bonds and Other Instruments or Obligations Heretofore Issued, and Validating,

Ratifying, Approving and Confirming Certain Proceedings Heretofore Taken, by Public Bodies in This State.

Also,

Senate Bill No. 177. A Bill for an Act to Amend and Re-enact Section 1376, Session Laws of 1911, Chapter 266.

Also,

Senate Bill No. 99. A Bill for an Act Appropriating Money for the School of Mines at the University of North Dakota, to Supplement Federal Funds for the Investigation and Development of the Mineral Resources Within the Bounds of the State of North Dakota.

Also,

Senate Bill No. 124. A Bill for an Act Providing for the Employment of a Fire Department Instructor; Prescribing the Qualifications of Such Instructor and the Duties Thereof; Providing for Salary and Expenses of, and Fees to Be Charged by Such Instructor; Requiring Reports and Providing an Appropriation to Carry Out the Provisions of This Act.

Also,

SENATE CONCURRENT RESOLUTION "P".

Also,

SENATE CONCURRENT RESOLUTION "Y".

Which the House has passed unchanged.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to return herewith the following:

House Bill No. 318. A Bill for an Act to Amend and Re-enact Sections 1, 2 and Sub-section (e) of Chapter 106 of the 1935 Session Laws, Relating to the Incorporation of Co-operative Grazing Associations, to Provide for the Organization of Groups With a Smaller Acreage Than 50,000 Acres. Where They May Be Required, and Making No Restrictions as to the Number of Organizations in Any One County to Operate Under Said Chapter.

Also,

HOUSE CONCURRENT RESOLUTION "A-1".

Also,

House Bill No. 189. A Bill for an Act to Amend Section 22, of Chapter 96, of the Session Laws of the State of North Dakota for the Year 1931, Relating to the Responsibility of Shareholders of State Bank Stock.

Also,

House Bill No. 366. A Bill for an Act to Repeal Article 6 of Chapter 63 of the Civil Code (1913 Compiled Laws of the State of North Dakota) Relating to Ship's Managers.

Also,

House Bill No. 365. A Bill for an Act to Repeal Article 5 of Chapter 63 of the Civil Code (1913 Compiled Laws of the State of North Dakota) Relating to Mates and Seamen.

Also,

House Bill No. 326. A Bill for an Act to Provide for the Collection, Arrangement and Display of the Products and Resources of the State of North Dakota at the New York World's Fair in 1939.

Also,

House Bill No. 322. A Bill for an Act Abolishing the Agricultural Experiment Station Near Hettinger, Adams County, and Providing for Conveyance of Land Where Located and Improvements Thereon to the City of Hettinger Under Certain Conditions, Repealing Sections 1643 and 1644 of the Compiled Laws of North Dakota, 1913, and Declaring an Emergency.

Also,

House Bill No. 269. A Bill for an Act to Define Native Lignite and to Separately Classify Native Lignite; and to Declare the Public Policy in Respect Thereto.

Also,

House Bill No. 235. A Bill for an Act to Appropriate \$2,500.00 to Be Paid to the State Historical Society of North Dakota Under the Direction of the Federal Writers' Project of the Works Progress Administration, to Be Used for the Printing of The North Dakota Guide, and Providing for the Return of the Money to the State Treasurer, and Providing the Manner of Printing, Distributing, and Accounting for Sale of Said Book.

Also,

HOUSE CONCURRENT RESOLUTION "V".

Also,

HOUSE CONCURRENT RESOLUTION "E".

Also,

House Bill No. 299. A Bill for an Act to Amend and Re-enact Section 860 of the Compiled Laws of North Dakota

for the Year 1913; and Repealing All Acts or Parts of Acts in Conflict Herewith.

Which the Senate has passed unchanged.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to return herewith the following bills:

House Bill No. 116. A Bill for an Act to Amend and Re-enact Sections 189b1 to 189b30, Inclusive, of the 1925 Supplement to the Compiled Laws of North Dakota, as Amended; Relating to State Hail Insurance; Providing for Compulsory State Hail Insurance; Levying a Flat Hail Insurance Tax of One Cent on Each Acre of Tillable Land in North Dakota; Providing for the Levy and Collection of an Indemnity Tax Upon Insured Lands, Fixing the Amounts and Providing for Adjustment of Claims of Indemnity; Defining the Duties of Assessors, Auditors and Treasurers; Abatement of Hail Indemnity Tax and Correction of Records; Providing for Special State Hail Insurance; Repealing All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Also,

House Bill No. 354. A Bill for an Act Providing for Free Text Books in Common Schools, Authorizing the Purchase Thereof by the Respective School Boards and Repealing Acts or Parts of Acts in Conflict Herewith.

Also,

House Bill No. 352. A Bill for an Act to Amend and Re-enact Section 16, of Chapter 71, of the Session Laws of North Dakota for the Year 1933, With Respect to the Duties of the State Examiner.

Also,

House Bill No. 69. A Bill for an Act to Amend and Re-enact Section 2122a of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, as Amended by That Certain Initiated Measure Entitled: "An Act to Amend and Re-enact Chapter 59 of the Laws of North Dakota for the Year 1917, as Amended by Chapter 220 of the Laws of North Dakota, Enacted by the Regular Session of the Legislature, for the Year 1919, as Amended by Chapter 298 of the Laws of North Dakota for the Year 1923, the Same Being Section 2122a of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, Relating to the Basis from Seventy-five (75) Per Cent of the Full and True Value Thereof to Fifty (50) Per Cent of the Full and True Value Thereof, and Repealing All Acts or Parts of Acts in Conflict Herewith," Approved and Adopted by the Electors at the June 29, 1932, Primary

Election, to Classify Property for Assessment at a Percentage of Its Value and Fix and Adopt Such Percentage of Values, Excepting Farm Buildings and Improvements from All Taxes, Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Also,

House Bill No. 319. A Bill for an Act to Prohibit Distillers, Brewers, and Wholesalers of Beer and of Intoxicating Liquors in the State of North Dakota from Leasing and from Furnishing of Any Furniture, Fixtures, Equipment or Other Property to Retailer; from Paying Retail Tax; from Being Interested in Retail Business; Providing Penalty and Declaring an Emergency.

Also,

House Bill No. 89. A Bill for an Act Relating to the Administration of Insolvent Banking Institutions; Appointing the Bank of North Dakota as Liquidating Agent Therefor; Requiring Delivery of Assets to the Bank of North Dakota, Specifying Its Duties in Connection Therewith and Providing Compensation Therefor; Providing for the Appointment of Committees to Reopen and Liquidate Such Banks; and Repealing All Acts or Parts of Acts in Conflict Herewith.

Which the Senate has indefinitely postponed.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senator Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to return:

House Bill No. 270. A Bill for an Act Regulating Game and Fish, for the Propagation, Conservation, Protection, Preservation of Wild Birds, Wild Animals and Fish; and Providing That Certain Game Birds, Game Animals, Fur-bearing Animals, Fish and Deer Shall Be Protected at All Times, and the Season Declared Closed Except When Opened by Governor's Proclamation Upon Recommendation of the Game and Fish Commissioner; Providing for Resident and Non-resident Licenses, and Providing Penalties Therefor, and to Amend and Re-enact Section 10322a50 of the Supplement to the Compiled Laws of 1913, as Amended by Chapter 115 of the Session Laws of 1933.

Which the Senate has amended as shown on page 1319 of the Senate Journal.

Very respectfully,

THOMAS McDONALD,  
Secretary.



## SECOND READING OF HOUSE BILLS

House Bill No. 185. A Bill for an Act to Amend and Re-enact Section 3733 of the 1925 Supplement to the Compiled Laws of 1913, Relating to the Sale of Real Property to Enforce Collection of Delinquent Special Assessments, Relating to the Bidding in of Same When No Bidders at Sale, Relating to Damages to Warrant Holders When Statutory Proceedings Not Followed, Providing a Validating Clause, Making Provisions of This Bill Retroactive, 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, the roll was called and there were ayes, 31; nays, 15; absent and not voting 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kolpin	Skarvold
Brostuen	Kroeber	Streibel
Cain	Lavik	Stucke
Drew	Lemke	Thatcher
Ettestad	Lynn	Thorson
Fine	McGillic	Vinje
Fowler	Mutchler	Watt
Gilbertson	Nelson, Barnes	Whelan
Greene	Olson	Williams
Johnson	Owings	Wog
Kamrath		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Guenther	Nelson, Grand Fks.
Coffey	Guthrie	Strehlow
Crandall	Lowe	Topp
Fredrickson	Magoffin	Trout
Gronvold	Morrison	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Hulteng	Lian

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Senator Thorson moved that the vote by which House Bill No. 185 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Magoffin: I vote "no" on this bill on account of the retroactive feature of it.

House Bill No. 336. A Bill for an Act to Amend and Re-

enact Section 9 of Chapter 135 of the Session Laws of 1935; Providing for the Election of Party Precinct Committeemen; for the Organization of Party, County and State Committees; Establishing the Qualifications of Delegates and Committeemen; Providing for the Organization of Party, County and State Committees; Providing for the Nomination of Candidates for Presidential Electors; Repealing Acts or Parts of Acts in Conflict Herewith and Declaring an Emergency.

Was placed upon second reading and final passage.

Senator Mutchler moved to amend House Bill No. 336 as follows:

In the title of the bill strike out everything after the word "Act" in line 1 and insert in lieu thereof the following: "Providing for the Election of Party Precinct Committeemen for a term of two years, and repealing all Acts or parts of Acts in conflict herewith".

Strike out all of Section 1, lines 1 through 41, renumber Sections 2 and 3 to read "Sections 1 and 2", and strike out all of Section 4.

Which motion prevailed.

Senator Mutchler moved that the rules be suspended and House Bill No. 336 be placed upon second reading and final passage.

Which motion prevailed.

### ROLL CALL

The question being on the final passage of House Bill No. 336, as amended, the roll was called and there were ayes, 40; nays, 7; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Gronvold	Morrison
Bilden	Guenther	Mutchler
Blaisdell	Guthrie	Nelson, Barnes
Brostuen	Johnson	Nelson, Grand Fks.
Cain	Kamrath	Owings
Coffey	Kroeber	Skarvold
Crandall	Lavik	Strehlow
Drew	Lemke	Stucke
Ettestad	Lian	Watt
Fine	Lowe	Whelan
Fowler	Lynn	Williams
Fredrickson	Magoffin	Wog
Gilbertson	McGillic	Young
Greene		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Kolpin	Thatcher	Trout
Olson	Topp	Vinje
Streibel		

Absent and not voting:

Messrs.	Messrs.
Hulteng	Thorson

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Senator Mutchler moved that the vote by which House Bill No. 336 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to return

House Bill No. 346. A Bill for an Act Providing for the Formation of Cooperative, Non-profit, Membership Corporations to Be Known as Electric Membership Corporations for the Purpose of Promoting and Encouraging the Fullest Possible Use of Electric Energy in the State by Making Electric Energy Available to the Inhabitants of the State at the Lowest Cost Consistent With Sound Economy and Prudent Management of the Business of Such Corporations; Providing for the Rights, Powers and Duties of Such Corporations; Authorizing and Regulating the Issuance of Bonds by Such Corporations; and Providing for the Payment of Such Bonds and the Rights of the Holders Thereof.

Which the Senate has amended as shown on page 1465 of the Senate Journal and further amended by striking out in Section 31 on page 1474 of the Senate Journal the following language: "nor shall the provisions of said Act apply to the issuance of membership certificates".

Very respectfully,

THOMAS McDONALD,  
Chief Clerk.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck North Dakota.  
March 5, 1937.

Mr. President: I have the honor to return:

Senate Bill No. 253. A Bill for an Act to Amend and Re-enact Sections 5 and 6 of Chapter 109 of the Session Laws of North Dakota for the Year 1935, Relating to Mutual Aid Corporations, and Declaring an Emergency.

Also,

Senate Bill No. 59. A Bill for an Act Prohibiting Dances in or on Premises, or Premises Adjacent to a Place Where In-

toxicating Liquors are Sold as a Beverage; Defining the Duties of States Attorneys and Peace Officers; and Declaring and Emergency.

Also,

Senate Bill No. 80. A Bill for an Act to Equalize Taxation and Replace in Part the Tax on Property; to Provide the Public Revenue to Be Used by Such Replacement by Imposing a Tax on the Gross Receipts From Retail Sales as Defined Herein; to Provide for the Collection of Such Tax, the Distribution and Use of the Revenue Derived Therefrom, and the Administration of Said Law; to Provide for Certain Deductions and Exemptions; Establishing a Lien for the Payment of Such Tax; to Fix Fines and Penalties for the Violation of the Provisions of This Act; to Repeal all Laws or Parts of Laws in Conflict Herewith and Declaring an Emergency.

Which the House has passed unchanged.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to return:

House Bill No. 125. A Bill for an Act to Provide for the Creation, the Powers, the Duties, the Authority and the Jurisdiction of the State Water Conservation Commission; Prescribing its Powers and Duties to Investigate, Plan, Regulate, Control, and Supervise for All Purposes of Flood Control, Water Conservation, Water Irrigation, Water Rights, and Pollution of Water, All Public or Private Navigable or Non-navigable, Surface and Sub-surface, Waters, Streams, Lakes, Ponds, Water-courses, Surface Waters, Run-off Waters, and Watersheds, Located in or Within the Jurisdiction of the State of North Dakota and to Exercise Powers of Contracting, of Sale and of Purchase, and of Leasing and sub-leasing with Respect Thereof; Providing for the Construction, Operation and Maintenance of a System of Works for the Conservation, Development, Storage, Distribution and Utilization of Water, and for the Acquisition and Disposition of Property Necessary Therefor; Authorizing the Issuance and Sale of State Water Conservation Revenue Bonds of the State, Payable From the Revenues of Such Works and the Funds Received From the Sale or Disposal of Water and from the Operation, Lease, Sale or Other Disposition of the Works, Property, and Facilities to Be Acquired Out of the Proceeds of Such Bonds; Providing for the Lien Upon Bond Proceeds, for Exempting Property of Commission from Taxation; Providing for Trust Indentures; Providing for the Creation of Certain Funds in Connection with the Act; Providing for Necessary Help and Expenses; Providing for Contracts with the United States; with Political Sub-divisions of the State, with Associations,

Groups, and Persons, Providing for Powers and Duties Concerning Inter-State Compacts and Commissions; Providing for the Purchase and Condemnation, and Otherwise to Acquire Lands and Water Rights and for the Sale and Lease Thereof; Making an Appropriation; Providing for the Creation of a Revenue Bond Payment Fund; Providing Duties of State Agencies Acting Intra State, Concerning Water Conservation, Flood Control and Pollution of Waters and Providing Duties of State Agencies Concerning Inter-State Compacts With Respect to Water Conservation, Flood Control and Pollution of Waters; Providing for the Collection and Payment of Moneys Into Said Fund and Disbursements Therefrom; for Methods of Paying Principal and Interest Thereon by State Treasurer; Providing for Levy of Tax, if Necessary, to Pay Principal and Interest of Revenue Bonds; and Reimbursement of Such Levy, and to Provide that the State Water Conservation Commission May Mortgage Property; and Designating Said Water Conservation Commission as a Public Corporation and Agency of the State; and to Grant Additional Powers to the Commission Concerning Irrigation, the Sale and Lease of Water, and Water Rights; to Borrow Monies; Providing for Authority of Bank of North Dakota to Act as Fiscal Agent, to Purchase and Sell Revenue Bonds and to Make Loans; Repealing Inconsistent Acts and Declaring an Emergency.

Which the Senate has amended as shown on pages 1231, 1299 and 1493 of the Senate Journal.

Very respectfully,

THOMAS McDONALD,  
Secretary.

The Senate had under consideration:

Senate Bill No. 7. A Bill for an Act Making an Appropriation for the Purpose of Indemnifying Owners of Animals Infected with Bovine Tuberculosis and to Pay Expenses in Connection Therewith.

Which had been returned by the Governor unsigned.

Senator Johnson moved that Senate Bill No. 7 be placed upon Second Reading and Final Passage, notwithstanding the objections of the Governor.

### ROLL CALL

The question being on the motion to override the Governor's veto on Senate Bill No. 7, the roll was called and there were ayes, 38; nays, 8; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Nelson, Grand Fks.
Bilden	Guthrie	Owings
Blaisdell	Johnson	Skarvold
Brostuen	Kamrath	Strehlow
Cain	Kolpin	Stucke

Messrs.	Messrs.	Messrs.
Coffey	Kroeber	Thatcher
Crandall	Lavik	Topp
Drew	Lemke	Vinje
Fine	Lian	Watt
Fowler	Lowe	Whelan
Fredrickson	Magoffin	Wog
Gilbertson	McGillic	Young
Gronvold	Nelson, Barnes	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Ettestad	Morrison	Streibel
Greene	Mutchler	Thorson
Lynn	Olson	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Hulteng	Trout	Williams

So the motion to override the Governor's veto carried.

Senator Morrison: They say that law is common sense. What the Governor asked for in his veto message just seems to me to be common sense. Therefore, I vote "no".

Senator Olson: If I understand this correctly, the Senate failed to make the amendment and return it to the Governor within the specified time. Therefore, I vote "no".

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to return:

Senate Bill No. 7. A Bill for an Act Making an Appropriation for the Purpose of Indemnifying Owners of Animals Infected with Bovine Tuberculosis and to Pay Expenses in Connection Therewith.

Which the Senate has passed by a two-thirds vote notwithstanding the objections of the Governor.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senator Cain moved that the Senate reconsider the vote by which House Bill No. 304 was passed.

Which motion prevailed.

Senator Cain moved that House Bill No. 304 be placed at the head of the calendar.

Which motion prevailed.

Senator Whelan moved that House Bill No. 304 be amended as follows:

In line 2 of the title, also in line 4 of Section 1, strike out the words "Pipe Line Companies".

Which motion prevailed.

Senator Brostuen moved that the rules be suspended and House Bill No. 304 be placed upon second reading and final passage as amended.

### SECOND READING OF HOUSE BILLS

Which motion prevailed.

House Bill No. 304. A Bill for an Act to Provide for the Assessment of Car Line Companies, Express Companies, Pipe Line Companies, and Air Transportation Companies, Providing for the Allocation of the Tax to the State of North Dakota; and Repealing All Acts and Parts of Acts in Conflict Herewith 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, 47, nays, 0; absent and not voting, 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Johnson	Owings
Blaisdell	Kamrath	Skarvold
Brostuen	Kolpin	Strehlow
Cain	Kroeber	Streibel
Coffey	Lavik	Stucke
Crandall	Lemke	Thatcher
Drew	Lian	Thorson
Ettestad	Lowe	Topp
Fine	Lynn	Trout
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Wog
Gronvold	Nelson, Barnes	Young
Guenther	Nelson, Grand Fks.	

Absent and not voting:

Messrs.	Messrs.
Hulteng	Williams

So the bill passed and the title was agreed to. The emergency clause was declared carried.

Senator Brostuen moved that the vote by which House Bill No. 304 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Skarvold moved that the Senate reconsider the vote by which House Bill No. 150 was indefinitely postponed.

Which motion prevailed.

Senator Fine moved that the Senate request the House to return House Bill No. 150.

Which motion prevailed.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to inform you that the Senate requests the return of House Bill No. 150.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senator Drew moved that the Senate reconsider the vote by which House Bill No. 78 was indefinitely postponed.

Which motion prevailed.

Senator Fowler moved that House Bill No. 78 be placed upon Second Reading and Final Passage.

Which motion prevailed.

House Bill No. 78. A Bill for an Act Providing for the Registration of Public Contractors, and Defining the Term Public Contractor; Providing the Requirements and Method of Obtaining a License to Engage in the Business of Public Contracting in the State of North Dakota; Classifying and Fixing the Fee for Such License; Providing the Method of Suspension, Cancellation and Reinstatement Thereof; Providing Added Requirements in Bond of Foreign Contractor; Prescribing Penalties for the Violation of This Act; and Repealing All Acts or Parts of Acts in Conflict With the Provisions Hereof, and Declaring an Emergency.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 26; nays, 20; absent and not voting 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Gilbertson	McGillic
Brostuen	Gronvold	Nelson, Grand Fks.
Cain	Guenther	Thatcher
Coffey	Kolpin	Topp
Drew	Kroeber	Vinje
Ettestad	Lemke	Watt
Fine	Lian	Whelan
Fowler	Lynn	Young
Fredrickson	Magoffin	



Those voting in the negative were:

Aasen	Morrison	Streibel
Greene	Mutchler	Stucke
Guthrie	Nelson, Barnes	Thorson
Johnson	Olson	Trout
Kamrath	Owings	Williams
Lavik	Skarvold	Wog
Lowe	Strehlow	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Crandall	Hulteng

So the bill passed and the title was agreed to, but the emergency clause was lost.

#### MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to return:

Senate Bill No. 255. A Bill for an Act Relating the Introduction and Printing of Bills and Providing for an Official Seal for Each Branch of the Legislative Assembly; Repealing Section 52 of the Compiled Laws of 1913 and All Acts and Parts of Acts in Conflict Herewith.

Which the House has amended as shown on page 1783 of House Journal and further amendments as attached herewith.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to return:

Senate Bill No. 128. A Bill for an Act Making an Appropriation for the Purpose of Paying the Salary of an Executive Director, Stenographic Employees and Miscellaneous General Expenses of the State Planning Board.

Which the House has amended as shown on page 1758 of House Journal.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

Senator Whelan moved that the Senate do now adjourn, which motion prevailed. The Senate stood adjourned.

THOMAS McDONALD,  
Secretary.

## SIXTIETH DAY

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

The Senate convened at 2:00 p. m. pursuant to adjournment, the President presiding.

Prayer by the Chaplain, Rev. F. E. Logee, Bismarck.

Roll call: All members present except Senator Hulteng.

Senator Gilbertson moved that the absent Senator be excused, which motion prevailed.

REPORT OF COMMITTEE ON REVISION AND  
CORRECTION OF THE JOURNAL

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 58th day after recess and 59th day and recommend that the same be corrected as follows:

On page 1485, strike out lines 37 and 38 and insert in lieu thereof the following: "Which motion was lost".

On page 1457, line 29, correct to read as follows: Senators Young, Watt and Whelan.

On page 1487, line 22, strike out the word "it" and insert the word "they".

On page 1506, strike out all of the Message to the House relative to conference committee on House Bill No. 199.

And when so corrected recommend that the same be approved.

C. C. MORRISON,  
Chairman.

Senator Young moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Brostuen called attention to the error in the Senate Journal, page 1057, roll call on Senate Bill No. 80.

Senator Brostuen moved that the Journal be corrected as follows:

On page 1057, lines 9 and 10, correct to read as follows: "So the bill passed, the title was agreed to, and the emergency clause was declared carried.

MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to return:

House Bill No. 336. A Bill for an Act to Amend and Re-enact Section 9 of Chapter 135 of the Session Laws of 1935; Providing for the Election of Party Precinct Committeemen;

for the Organization of Party, County and State Committees; Establishing the Qualifications of Delegates and Committeemen; Providing for the Organization of Party, County and State Committees; Providing for the Nomination of Candidates for Presidential Electors; Repealing Acts or Parts of Acts in Conflict Herewith and Declaring an Emergency.

Which the Senate has amended as follows:

Strike out the following amendment which appears on page 1365 of the Senate Journal:

“On page 3 of the printed bill following line 41, insert: “Section 2. ELECTION JUDGES AND CLERKS.) Each Judge of election hereafter named under the provisions of Chapter 136, Session Laws of 1937 shall appoint one clerk of election”.

Also further amended as follows:

In the title of the bill, strike out everything after the word “Act” in line 1 and insert in lieu thereof the following: “Providing for the Election of Party Precinct Committeemen for a term of two years, and repealing all Acts or parts of Acts in conflict herewith”.

Strike out all of Section 1, lines 1 through 41, renumber Sections 2 and 3 to read “Sections 1 and 2”, and strike out all of Section 4.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to return:

House Bill No. 119. A Bill for an Act Making an Appropriation for the Purpose of Returning to the State Hail Insurance Fund the Money Diverted Therefrom by Chapter 155 of the Session Laws of North Dakota for 1935, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Which the Senate has amended as shown on page 1511 of the Senate Journal.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to return herewith the following bills:

House Bill No. 133. A Bill for an Act to Amend and Re-enact Section 1190 of the 1925 Supplement to the 1913 Compiled Laws of the State of North Dakota, as the Same Was

Amended by Chapter 243 of the 1927 Session Laws of the State, Relating to Consolidation of Schools and Transportation of Pupils; and Repealing Certain Acts in Conflict.

Also,

House Bill No. 141. A Bill for an Act Making it the Duty of the State Board of Equalization to Reassess Certain Classes of Property When Any General Tax Levied Against the Property Shall Be Adjudged Illegal and Non-enforcible or Shall Be Set Aside by Any State Court or Federal Court of Competent Jurisdiction and Limiting the Bringing of Actions Against the State for Recovery of Taxes Paid.

Also,

House Bill No. 188. A Bill for an Act Authorizing Any Banking Institution to Establish Stations for Receiving of Deposits and the Payment of Checks and Similar Bank Paper, Subject to the Approval and Supervision of the State Banking Board, and Prohibiting Branch Banking.

Also,

House Bill No. 162. A Bill for an Act to Amend and Re-enact Section 2844 of the Supplement to the 1913 Compiled Laws of North Dakota as Amended by Chapter 119, Session Laws of 1929, Relating to Licenses of Creameries, Cheese Factories, Process Butter Factories, Ice Cream Factories and Cream Stations; Providing for the Distribution of License Moneys; Repealing Acts in Conflict Herewith and Declaring an Emergency.

Also,

House Bill No. 59. A Bill for an Act Providing for the Adjustment and Payments of Delinquent Taxes, and Declaring an Emergency.

Also,

House Bill No. 280. A Bill for an Act Amending Sub-division U of Section 51, of Chapter 96, of the Session Laws of North Dakota for 1931, Relating to the Liquidation of Insolvent Banks by Depositors; and Declaring an Emergency.

Which the Senate has passed unchanged.

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### REPORT OF SELECT COMMITTEES

The Conference Committee on House Bill No. 160 made the following report:

Mr. President: Your Conference Committee to whom was referred:

House Bill No. 160. A Bill for an Act Amending and Re-enacting Chapter 242 of the 1931 Session Laws of the State

of North Dakota; Defining High Schools and Schools Doing High School Work, and Providing That Superintendent of Public Instruction Shall Provide State Course of Study for High Schools as Herein Defined.

Have had the same under consideration and recommend that the House concur in the Senate amendments found on pages 1241, 1242 and 1251 of the Senate Journal.

For the Senate:  
C. W. FINE,  
E. MAGOFFIN,  
W. J. TROUT,

For the House:  
GUS A. SCHAUSS,  
IVER SOLBERG,  
H. W. McINNES.

Senator Fine moved that the report be adopted, which motion prevailed and the report was adopted.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to return

House Bill No. 297. A Bill for an Act to Amend and Re-enact Chapter 281 of the Session Laws of North Dakota for the Year 1927, and Chapter 74 of the Laws of 1929, Relating to the Office of Veterans' Service Commissioner, and Amending the Same with Reference to Qualifications and the Manner of Appointment of Such Service Commissioner and Salary and Expense of Carrying Out Provisions of This Act.

Which the Senate has amended as shown on page 1291 of the Senate Journal.

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to return:

Senate Bill No. 246. A Bill for an Act, Providing for the Issuance by the Industrial Commission of Certificates of Indebtedness in Anticipation of the Collection of Property Taxes, Which Have Been Levied by the State Board of Equalization; Prescribing the Terms and Conditions Hereof; Providing for Their Sale and Delivery and Payment; Establishing of the Certificate of Indebtedness Retirement Fund, and Repealing All Acts or Parts of Acts

Inconsistent With the Provisions of This Act, and Declaring an Emergency.

Which the House has amended as shown on page 1596, House Journal.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

Senator Gilbertson moved that no reconsideration of any bills be had unless all Senators were present.

Which motion prevailed.

Senator Fowler moved that Senate Bills No. 68, 141 and 98 be placed before the Senate.

Which motion prevailed.

#### CONSIDERATION OF MESSAGES FROM THE HOUSE

The House amendments to Senate Bill No. 68 were read from the desk.

Senator Fowler moved that the Senate do concur in the House amendments to Senate Bill No. 68.

Which motion prevailed.

Senator Fowler moved that the rules be suspended and Senate Bill No. 68 be considered properly re-engrossed, and placed upon Second Reading and Final Passage, as amended.

Which motion prevailed.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 68. A Bill for an Act in Relation to Public Welfare and Social Security; to Provide for Public Aid to Dependent Children, and Prescribing the Duties of the State Public Welfare Board and the County Welfare Boards in the Administration Thereof, and Declaring an Emergency, and Repealing Chapter 165 of the Laws of 1925, Sections 2546a1 to 2546a10, Inclusive, of the 1925 Supplement to the 1913 Compiled Laws of North Dakota.

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, 41; nays, 0; absent and not voting 8.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Nelson, Grand Fks.
Bilden	Guthrie	Olson
Blaisdell	Johnson	Owings
Brostuen	Kolpin	Skarvold
Cain	Kroeber	Strehlow

Messrs.	Messrs.	Messrs.
Crandall	Lavik	Streibel
Drew	Lemke	Stucke
Ettestad	Lian	Thorson
Fine	Lowe	Topp
Fowler	Lynn	Vinje
Fredrickson	Magoffin	Watt
Gilbertson	McGillic	Williams
Greene	Morrison	Young
Gronvold	Nelson, Barnes	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Coffey	Mutchler	Whelan
Hulteng	Thatcher	Wog
Kamrath	Trout	

So the bill passed and the title was agreed to.

Senator Fowler moved that the vote by which Senate Bill No. 68 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to return:

House Bill No. 304. A Bill for an Act to Provide for the Assessment of Car Line Companies, Express Companies, Pipe Line Companies, and Air Transportation Companies, Providing for the Allocation of the Tax to the State of North Dakota; and Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Which the Senate has amended as follows:

In line 2 of the title and line 4, Section 1, strike out the words "pipe line companies".

Very respectfully,

THOMAS McDONALD,  
Secretary.

The House amendments to Senate Bill No. 98 were read from the desk.

Senator Fowler moved that the Senate do concur in the House amendments to Senate Bill No. 98.

Which motion prevailed.

Senator Fowler moved that the rules be suspended and Senate Bill No. 98 be considered properly re-engrossed, and placed upon Second Reading and Final Passage, as amended.

Which motion prevailed.

## SECOND READING OF SENATE BILLS

Senate Bill No. 98. A Bill for an Act to Promote the Public Welfare by Providing Aid to the Needy Blind.

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, 46; nays, 0; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Nelson, Grand Fks.
Bilden	Johnson	Olson
Blaisdell	Kamrath	Owings
Brostuen	Kolpin	Skarvold
Cain	Kroeber	Strehlow
Coffey	Lavik	Streibel
Crandall	Lemke	Stucke
Drew	Lian	Thorson
Ettestad	Lowe	Topp
Fine	Lynn	Trout
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Young
Guenther		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Hulteng	Thatcher	Wog

So the bill passed and the title was agreed to.

Senator Fowler moved that the vote by which Senate Bill No. 98 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

## MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to return

House Bill No. 333. A Bill for an Act Making It Unlawful for Any Officer or the Head of Any Department, Board, Bureau, Institution or Industry, to Buy, Sell, Exchange or in Any Manner Acquire or Dispose of Any Bond, Stocks, Certificates of Indebtedness, Notes, Mortgages or Other Evidence of Debt in Which Any Public Funds Have Been or May Be Invested, Without Permission of the Industrial Commission of the State of North Dakota; Providing Penalty for Violation and Declaring an Emergency.



Which the Senate has amended as shown on page 1514 of the Senate Journal.

Very respectfully,

THOMAS McDONALD,  
Secretary.

The House amendments to Senate Bill No. 141 were read from the desk.

Senator Fowler moved that the Senate do concur in the House amendments to Senate Bill No. 141.

Which motion prevailed.

Senator Fowler moved that the rules be suspended and Senate Bill No. 141 be considered properly re-engrossed and placed upon Second Reading and Final Passage, as amended.

Which motion prevailed.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 141. A Bill for an Act to Promote the Public Welfare by Providing for Public Assistance to Aged Persons in Need.

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, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Nelson, Grand Fks.
Bilden	Johnson	Olson
Blaisdell	Kamrath	Owings
Brostuen	Kolpin	Skarvold
Cain	Kroeber	Strehlow
Coffey	Lavik	Streibel
Crandall	Lemke	Stucke
Drew	Lian	Thorson
Ettestad	Lowe	Topp
Fowler	Lynn	Trout
Fredrickson	Magoffin	Vinje
Gilbertson	McGillic	Watt
Greene	Morrison	Whelan
Gronvold	Mutchler	Wog
Guenther	Nelson, Barnes	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fine	Thatcher	Williams
Hulteng		

So the bill passed and the title was agreed to.

Senator Fowler moved that the vote by which Senate Bill No. 141 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Fowler moved that the message from the House on Senate Bill No. 161 be placed before the Senate.

Which motion prevailed.

Senator Fowler moved that further consideration of Senate Bill No. 161 be indefinitely postponed.

Which motion prevailed.

Senator Fowler moved that the vote by which Senate Bill No. 161 was indefinitely postponed be reconsidered and the motion to reconsider be laid on the table.

Which motion was lost.

The House amendments to Senate Bill No. 128 were read from the desk.

Senator Young moved that the Senate do concur in the House amendments to Senate Bill No. 128.

Which motion prevailed.

Senator Young moved that the rules be suspended and Senate Bill No. 128 be considered properly re-engrossed, and placed upon Second Reading and Final Passage as amended.

Which motion prevailed.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 128. A Bill for an Act Making an Appropriation for the Purpose of Paying the Salary of an Executive Director, Stenographic Employees and Miscellaneous General Expenses of the State Planning Board.

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, 4; absent and not voting 2.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Olson
Blaisdell	Kamrath	Owings
Cain	Kolpin	Skarvold
Coffey	Lavik	Strehlow
Crandall	Lemke	Streibel
Drew	Lian	Stucke
Ettestad	Lowe	Thorson
Fine	Lynn	Topp
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Watt

Messrs.	Messrs.	Messrs.
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young
Guthrie		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Bilden	Kroeber	Trout
Brostuen		

Absent and not voting:

Messrs.	Messrs.
Hulteng	Thatcher

So the bill passed and the title was agreed to.

Senator Young moved that the vote by which Senate Bill No. 128 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Whelan requested that the Senate return to the Fifth Order of Business.

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. 248, Senate Bill No. 110, Senate Bill No. 99, Senate Bill No. 59.

And find the same correctly enrolled.

WILLIAM KROEBER,  
Chairman.

Senator Kroeber moved that the report be adopted, which motion prevailed, and the report was adopted.

Senator Whelan requested that the Senate be on the Fifteenth Order of Business for the purpose of signing Senate Bill No. 59.

Which request was granted.

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign:

Senate Bill No. 59. A Bill for an Act Prohibiting Dances in or on Premises, or Premises Adjacent to a Place Where Intoxicating Liquors are Sold as a Beverage; Defining the Duties of States Attorneys and Peace Officers; and Declaring and Emergency.

And the President signed the same in the presence of the Senate.

Senator Whelan moved that Senator Mutchler be delegated to accompany the messenger and see that Senate Bill No. 59 was safely delivered to the House.

Which motion prevailed.

Senator Gilbertson moved that Senator Ettestad, Chairman of the Temperance Committee, be appointed to accompany Senator Mutchler in delivering Senate Bill No. 59.

Which motion prevailed.

#### MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bill:

Senate Bill No. 59. A Bill for an Act Prohibiting Dances in or on Premises, or Premises Adjacent to a Place Where Intoxicating Liquors are Sold as a Beverage; Defining the Duties of States Attorneys and Peace Officers; and Declaring and Emergency.

Which the President has signed and your signature is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to return:

House Bill No. 168. A Bill for an Act to Amend and Re-enact Chapter 229 of the 1933 Session Laws of the State of North Dakota, as Amended by Chapter 260 of the Session Laws of 1935; to Provide for the Distribution of the Same Upon the Basis of Need, in the Payment of High School Tuition in Lieu of That Now Provided by Law and in the Payment of Direct Aid to School Districts Upon a Teacher-Unit Basis; and to Provide Methods for the Ascertainment and Payment of the Sums Payable to School Districts; and to Provide for Penalty for Making False Report; Repeal of All Acts in Conflict Herewith.

Which the Senate has amended as shown on page 1363 of the Senate Journal.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senator McGillic moved that the Senate do concur in the House amendments to Senate Bill No. 222.

Which motion prevailed.

Senator McGillic moved that the rules be suspended and Senate Bill No. 222 be considered properly re-engrossed, and placed upon Second Reading and Final Passage as amended.

Which motion prevailed.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 222. A Bill for an Act Establishing and Defining the Powers and Duties of a State Soil Conservation Committee; Providing for the Creation of Soil Conservation Districts and Defining the Powers and Duties Thereof; Empowering Such Districts to Adopt Programs and Regulations in Connection With Land Use Practices; Providing for the Selection of District Supervisors; Providing for the Adoption of Land Use Regulations and Providing Penalty for Violation of the Same; Providing for Boards of Adjustment in Connection with Land Use Regulations; Providing for the Discontinuance of Districts; Making an Appropriation 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, 1; absent and not voting, 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Owings
Bilden	Johnson	Skarvold
Blaisdell	Kamrath	Strehlow
Brostuen	Kolpin	Streibel
Cain	Lavik	Stucke
Coffey	Lemke	Thorson
Crandall	Lian	Topp
Drew	Lowe	Trout
Fine	Lynn	Vinje
Fowler	Magoffin	Watt
Gilbertson	McGillic	Whelan
Greene	Morrison	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Olson	Young

Those voting in the negative were:

Messrs.  
Kroeber

Absent and not voting:

Messrs.	Messrs.	Messrs.
Ettestad	Hulteng	Nelson, Grand Fks.
Fredrickson	Mutchler	Thatcher

So the bill passed, the title was agreed to, and the emergency clause was declared carried.

Senator McGillic moved that the vote by which Senate Bill No. 222 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Watt moved that the Senate do not concur in the House amendments to Senate Bill No. 74 and that a conference committee be appointed.

Which motion prevailed.

The President appointed the following conference committee on Senate Bill No. 74: Senators Watt, McGillic and Owings.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to return

House Bill No. 360. A Bill for an Act to Amend and Re-enact Section 6 of Chapter 172 of the Session Laws of North Dakota for the Year 1935, Being an Act to Impose a Tax Upon the Sale of Motor Vehicle Fuels; Providing for the Collection of Said Tax, for Reports of Sales of Such Motor Fuels, and for the Disposition of the Revenue Derived Therefrom; Providing for the Licensing and Bonding of Dealers in Motor Vehicle Fuels and the Revocation of Such License; Regulating the Sale of Such Fuels and Fixing Penalties for the Violation of This Act. Repealing All Acts or Parts of Acts in Conflict With the Provisions of This Act.

Which the Senate has amended as shown on page 1390 of the Senate Journal.

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to return herewith the following bills and resolutions:

SENATE CONCURRENT RESOLUTION "X".

Also,

Senate Bill No. 24. A Bill for an Act Relating to Motor Vehicles, Trailers, and Semi-trailers, the Ownership Thereof, and Other Interests Therein, and to Provide for the Registration Thereof, the Issuance of Certificates of Title Therefor Upon Payment of Fees; and to License Persons in the Business of Dealing in All Motor Vehicles; Trailers, and Semi-trailers; and to Protect Owners of Such Vehicles Against Theft, Embezzlement or Other Loss Thereof; Providing for Highway Traffic Regulations; and Providing for the Administration and Enforcement of Motor Vehicle Laws and Highway Traffic Regulations by Division of Highway Safety and Patrol; Providing for the Appointment of a Registrar of Motor Vehicles and Other Employees of the Department; Providing for the Appointment of a Superintendent of Division of Highway Safety and Patrol and Other Patrolmen and Employees; Prescribing Their Salaries and Providing for the Expense of Administration; Prescribing Their Duties and Term of Office; Providing for Operator's and Chauffeur's Licenses and the Fees to Be Paid Therefor; Providing for the Taking of Registration and Operator's and Chauffeur's License Applications; Providing for the Safety, Welfare and Protection of the Traveling Public in the Use of the Highways; Providing for Uniform Regulation of Highway Traffic; Providing for the Enforcement and Penalties for the Violation of the Provisions of This Act; Prescribing Rules of Interpretation and Repealing any Act or Parts of Acts Inconsistent with or in Conflict with the Provisions of This Act.

Also,

Senate Bill No. 47. A Bill for an Act to Amend and Re-enact Sections 22, 23 and 24, of the Compiled Laws of North Dakota for 1913, and to Repeal Section 25 Thereof, Relating to the Redistricting of the State of North Dakota Into Two Congressional Districts and Defining the Same.

Also,

Senate Bill No. 216. A Bill for an Act to Repeal Chapter 255 of the Session Laws of 1931, Relating to Teachers Oath or Affirmation to Be Taken and Subscribed to by Professors, Instructors and Teachers in Public Schools, Colleges and Universities of this State.

Also,

Senate Bill No. 143. A Bill for an Act Authorizing the Secretary of State to Contract with the Lawyer's Co-operative Publishing Company of Rochester, New York, for the Publication of a Compiled Edition of the Laws of North Dakota; Making an Appropriation; Creating a Revolving Loan Fund; and Declaring an Emergency.

Also,

Senate Bill No. 185. A Bill for an Act Appropriating the Sum of One Thousand Two Hundred Forty Dollars and Fifty-one Cents (\$1,240.51) from the General Funds of the State of North Dakota to Compensate O. P. Shelstad for the

Moneys Paid Out of His Own Funds for Necessary Expenses Incurred as State Dairy Commissioner, for the Payment of Which There was no Appropriation.

Which the House has indefinitely postponed.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to inform you that the House requests the return of Senate Bill No. 80 which was messaged to the Senate in error.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to inform you that the House has refused to concur in the Senate amendment to House Bill No. 125, and the Speaker has appointed as a conference committee to act with a like committee from the Senate, Representatives Hagen, Byrne and Morris.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,

March 5, 1937.

Mr. President: I have the honor to return herewith the following bill:

House Bill No. 150. A Bill for an Act to Amend and Re-enact Section 5, of Chapter 166, of the 1929 Session Laws of the State of North Dakota, Relating to Tax on Motor Fuels and for the Distribution of the Revenues Derived from Said Tax.

Which the Senate has requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.



## MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to return

House Bill No. 78. A Bill for an Act Providing for the Registration of Public Contractors, and Defining the Term Public Contractor; Providing the Requirements and Method of Obtaining a License to Engage in the Business of Public Contracting in the State of North Dakota; Classifying and Fixing the Fee for Such License; Providing the Method of Suspension, Cancellation and Reinstatement Thereof; Providing Added Requirements in Bond of Foreign Contractor; Prescribing Penalties for the Violation of This Act; and Repealing All Acts or Parts of Acts in Conflict With the Provisions Hereof, and Declaring an Emergency.

Which the Senate has amended as shown on page 445 and page 1279 of the Senate Journal.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senator McGillic moved that the Senate do concur in the House amendments to Senate Bill No. 62.

Senator Cain moved, as a substitute motion, that the Senate do not concur in the House amendments to Senate Bill No. 62.

Roll call demanded and granted.

## ROLL CALL

The question being on the motion of Senator Cain that the Senate do not concur in the House amendments to Senate Bill No. 62, the roll was called and there were ayes, 23; nays, 22; absent and not voting 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Brostuen	Kroeber	Nelson, Grand Fks.
Cain	Lavik	Trout
Coffey	Lemke	Vinje
Crandall	Lowe	Watt
Ettestad	Lynn	Whelan
Fowler	Magoffin	Wog
Gronvold	Mutchler	Young
Kolpin	Nelson, Barnes	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Skarvold
Bilden	Kamrath	Strehlow
Blaisdell	Lian	Streibel

Messrs.	Messrs.	Messrs.
Drew	McGillic	Stucke
Gilbertson	Morrison	Thorson
Greene	Olson	Topp
Guenther	Owings	Williams
Guthrie		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fine	Hulteng	Thatcher
Fredrickson		

So the motion prevailed.

A verification of the roll call was requested.

Verification disclosed no change.

Senator Cain moved that a conference committee be appointed to confer with a like committee from the House on Senate Bill No. 62.

Which motion prevailed.

The President appointed the following Senators on such conference committee: Senators Coffey, Cain and Wog.

Senator Lynn moved to excuse Senator Coffey from acting on the conference committee on Senate Bill No. 62.

Which motion prevailed.

And Senator Coffey was excused.

The President appointed Senator McGillic to serve on such conference committee.

The House amendments to Senate Bill No. 42 were read from the desk.

Senator Fredrickson moved that the Senate concur in the House amendments to Senate Bill No. 42.

Which motion prevailed.

Senator Fredrickson moved that the rules be suspended and Senate Bill No. 42 be considered properly re-engrossed, and placed upon Second Reading and Final Passage, as amended.

Which motion prevailed.

## SECOND READING OF SENATE BILLS

Senate Bill No. 42. A Bill for an Act Making an Appropriation for the Use and Benefit of the North Dakota Firemen's Association in Promoting Regional Fire Schools, and Other Activities of Such Association, as Provided for Under Chapter 137, Session Laws of 1935.

## 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, 7.

Those voting in the affirmative were:

<b>Messrs.</b>	<b>Messrs.</b>	<b>Messrs.</b>
Aasen	Guthrie	Olson
Bilden	Johnson	Owings
Blaisdell	Kamrath	Skarvold
Brostuen	Kolpin	Strehlow
Coffey	Kroeber	Streibel
Drew	Lavik	Thorson
Ettestad	Lemke	Topp
Fine	Lian	Trout
Fowler	Lowe	Vinje
Fredrickson	Magoffin	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog
Guenther	Nelson, Grand Fks.	Young

Absent and not voting:

<b>Messrs.</b>	<b>Messrs.</b>	<b>Messrs.</b>
Cain	Lynn	Stucke
Crandall	McGillic	Thatcher
Hulteng		

So the bill passed and the title was agreed to.

Senator Fredrickson moved that the vote by which Senate Bill No. 42 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

#### MESSAGE TO THE HOUSE

Mr. Speaker: I have the honor to return herewith the following bills:

House Bill No. 226. A Bill for an Act to Amend and Re-enact Sections 2763, 2764 and 2766 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to the Stallion Registration Board, and Repeal All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Also,

House Bill No. 193. A Bill for an Act Requiring Boards of County Commissioners or Any Other Public Board in Poor Relief Cases to Employ Medical, Osteopathic, Chiropractic Physicians, or Other Legally Licensed Practitioners of the State of North Dakota, in Treatment of Indigent Persons According to the Preference of Such Persons; Repealing Acts or Parts of Acts in Conflict Herewith and Declaring an Emergency.

Which the Senate has indefinitely postponed.

Very respectfully,

THOMAS McDONALD,  
Secretary.

The House amendments to Senate Bill No. 132 were read.

Senator Vinje moved that the Senate concur in the House amendments to Senate Bill No. 132.

Which motion prevailed.

Senator Vinje moved that the rules be suspended and Senate Bill No. 132 be considered properly re-engrossed, and placed upon Second Reading and Final Passage as amended.

Which motion prevailed.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 132. A Bill for an Act to Repeal Chapter 254, Laws 1933, Relating to Old Age Pensions and to Cancel All Claims or Rights of Claim on Behalf of the State or Any County by Virtue of Pensions Paid Under Said Act and All Transfers of Property Made by Any Applicant for Pension Under Said Act.

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, 0; absent and not voting 10.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Owings
Bilden	Kamrath	Skarvold
Blaisdell	Kolpin	Strehlow
Brostuen	Kroeber	Streibel
Coffey	Lavik	Thorson
Drew	Lemke	Topp
Ettestad	Lian	Trout
Fine	Lowe	Vinje
Fowler	Magoffin	Watt
Fredrickson	Morrison	Whelan
Greene	Mutchler	Williams
Guenther	Nelson, Barnes	Wog
Guthrie	Olson	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Cain	Hulteng	Nelson, Grand Fks.
Crandall	Lynn	Stucke
Gilbertson	McGillic	Thatcher
Gronvold		

So the bill passed and the title was agreed to.

Senator Vinje moved that the vote by which Senate Bill No. 132 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Brostuen moved that the Senate do concur in the House amendments to Senate Bill No. 153.

Which motion prevailed.

Senator Brostuen moved that the rules be suspended and Senate Bill No. 153 be considered properly re-engrossed, and placed upon Second Reading and Final Passage as amended.

Which motion prevailed.

Senate Bill No. 153. A Bill for an Act to Prevent Fraud and Deception in the Sale of Livestock Medicines; Providing for the Registration and Labeling of Livestock Medicines; Authorizing Rules and Regulations for the Administration of this Act; Prescribing the Method of Revocation of Such Registration and Prescribing a Penalty for the Violation Thereof.

### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 37; nays, 2; absent and not voting 10.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Olson
Brostuen	Kamrath	Owings
Coffey	Kolpin	Skarvold
Drew	Kroeber	Strehlow
Ettestad	Lavik	Thatcher
Fine	Lemke	Thorson
Fowler	Lian	Topp
Fredrickson	Lowe	Vinje
Gilbertson	Magoffin	Watt
Greene	Morrison	Williams
Gronvold	Mutchler	Wog
Guenther	Nelson, Barnes	Young
Guthrie		

Those voting in the negative were:

Messrs.	Messrs.
Bilden	Streibel

Absent and not voting:

Messrs.	Messrs.	Messrs.
Blaisdell	Lynn	Stucke
Cain	McGillic	Trout
Crandall	Nelson, Grand Fks.	Whelan
Hulteng		

So the bill passed and the title was agreed to.

Senator Brostuen moved that the vote by which Senate Bill No. 153 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

## MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to inform you that House Bill No. 59 messaged to you as passed unchanged was amended as shown on page 1439 of the Senate Journal.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to return:

House Bill No. 253. A Bill for an Act Amending Articles 2889b4, 2889b5 and 2889b6 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, and Being Part of Article 40b of Chapter 38 of the Political Code, Relating to Food and Drugs, and Known as the North Dakota Food and Drugs Act.

Which the Senate has amended as shown on page 1464 of the Senate Journal.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to return herewith the following bill:

House Bill No. 185. A Bill for an Act to Amend and Re-enact Section 3733 of the 1935 Supplement to the Compiled Laws of 1913, Relating to the Sale of Real Property to Enforce Collection of Delinquent Special Assessments, Relating to the Bidding in of Same When No Bidders at Sale, Relating to Damages to Warrant Holders When Statutory Proceedings Not Followed, Providing a Validating Clause, Making Provisions of This Bill Retroactive, Providing a Saving Clause, and Declaring an Emergency.

Which the Senate has passed unchanged.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senator Johnson moved that the Senate do not concur in

the House amendments to Senate Bill No. 255 and that a conference committee be appointed.

Which motion prevailed.

The President appointed the following conference committee on Senate Bill No. 255, Senators Johnson, Morrison and Lowe.

Senator Fowler moved that the Senate do concur in the House amendments to Senate Bill No. 246 as shown on pages 1596 and 1688 of the House Journal.

Which motion prevailed.

Senator Fowler moved that the rules be suspended and Senate Bill No. 246 be considered properly re-engrossed, and placed upon Second Reading and Final Passage, as amended.

Which motion prevailed.

### SECOND READING OF SENATE BILLS

Senate Bill No. 246. A Bill for an Act, Providing for the Issuance by the Industrial Commission of Certificates of Indebtedness in Anticipation of the Collection of Property Taxes, Which Have Been Levied by the State Board of Equalization; Prescribing the Terms and Conditions Hereof; Providing for Their Sale and Delivery and Payment; Establishing of the Certificate of Indebtedness Retirement Fund, and Repealing All Acts or Parts of Acts Inconsistent With the Provisions of This Act, 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, 37; nays, 6; absent and not voting, 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Owings
Bilden	Guthrie	Skarvold
Brostuen	Kolpin	Strehlow
Cain	Lavik	Streibel
Coffey	Lemke	Stucke
Crandall	Lian	Topp
Drew	Magoffin	Vinje
Ettestad	McGillic	Watt
Fine	Morrison	Whelan
Fowler	Mutchler	Williams
Fredrickson	Nelson, Grand Fks	Wog
Greene	Olson	Young
Gronvold		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Johnson	Nelson, Barnes	Thorson
Kroeber	Thatcher	Trout

Absent and not voting:

Messrs.	Messrs.	Messrs.
Blaisdell	Hulteng	Lowe
Gilbertson	Kamrath	Lynn

So the bill passed, the title was agreed to, and the emergency clause was declared carried.

Senator Fowler moved that the vote by which Senate Bill No. 246 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Fredrickson moved that the Senate comply with the request of the House for the return of Senate Bill No. 80.

Which motion prevailed.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to return herewith Senate Bill No. 80 in accordance with request of the House for its return.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senator Brostuen moved that the President appoint a conference committee of three to confer with a like committee from the House on House Bill No. 125.

Which motion prevailed.

The President appointed on such committee, Senators Brostuen, Fowler and Guthrie.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to return:

Senate Bill No. 40. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the State Seed Department.

Which the House has amended as shown on page 1550 of House Journal.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.



Senator Watt moved that the Senate reconsider the vote by which it refused to concur in the House amendments to Senate Bill No. 74.

Which motion prevailed.

Senator Watt moved that the Senate do concur in the House amendments to Senate Bill No. 74.

Which motion prevailed.

Senator Watt moved that the rules be suspended and Senate Bill No. 74 be considered properly re-engrossed and placed upon Second Reading and Final Passage as amended.

Which motion prevailed.

### SECOND READING OF SENATE BILLS

Senate Bill No. 74. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Training School, Mandan, North Dakota.

### ROLL CALL

The question being on the final passage of the bill, as amended the roll was called and there were ayes, 46; nays, 0; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Skarvold
Blaisdell	Kamrath	Strehlow
Brostuen	Kolpin	Streibel
Cain	Kroeber	Stucke
Coffey	Lavik	Thatcher
Crandall	Lemke	Thorson
Drew	Lian	Topp
Ettestad	Lowe	Trout
Fine	Magoffin	Vinje
Fowler	McGillic	Watt
Fredrickson	Morrison	Whelan
Gilbertson	Mutchler	Williams
Greene	Nelson, Barnes	Wog
Gronvold	Nelson, Grand Fks.	Young
Guenther	Olson	
Guthrie	Owings	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Hulteng	Lynn

So the bill passed and the title was agreed to.

Senator Watt moved that the vote by which Senate Bill No. 74 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Lian moved that the Senate do now recess for 15 minutes, which motion prevailed.

The Senate reconvened pursuant to recess taken.

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. 75, Senate Bill No. 157, Senate Bill No. 177 and Senate Bills No. 17 and 243; also Senate Bill No. 140, Senate Bill No. 118, and Senate Bill No. 226, and find the same correctly enrolled.

WM. KROEBER,  
Chairman.

Senator Kroeber moved that the report be adopted, which motion prevailed, and the report was adopted.

MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota.  
March 5, 1937.

Mr. Speaker: I have the honor to inform you that the President has appointed as a Conference Committee on House Bill No. 125, Senators Brostuen, Fowler and Guthrie.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to inform you that the Senate has refused to concur in the House amendments to Senate Bill No. 255 and the President has appointed as a Conference Committee, Senators Johnson, Morrison and Lowe.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to inform you that the

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Senate has concurred in the House amendments to Senate Bills No. 153, 132, 42, 222, 128, 141, 98, 68 and 74.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senator Whelan moved that the President appoint a conference committee of three to confer with a like committee from the House on Senate Bills No. 29, 30, 31, 32, 81 and 104.

Which motion prevailed.

The President appointed on such committee, Senators Gronvold, Williams and Lavik.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to inform you that the Senate has refused to concur in the House amendments to Senate Bill No. 62 and the President has appointed as a Conference Committee, Senators Cain, McGillic and Wog.

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to House Bill No. 297.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to inform you that the House has refused to concur in the Senate amendment to Senate Concurrent Resolution "H" and the Speaker has appointed as a Conference Committee Representatives Schauss, Morris and Gilbert.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to House Bill No. 119.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to House Bill No. 248.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to House Bill No. 55.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

Senator Whelan requested that the Senate return to the 7th order of business.

Which request was granted.

SENATE RESOLUTION "R" requesting the Supreme Court to direct that general receivership of all closed banking institutions be terminated without further delay, with suggestion that Supreme Court provide reasonable method under which the assets of such institutions may be taken over by depositors.

Introduced by Senators Strehlow, Williams, and Whelan, was read from the desk.

Senator Strehlow moved that Senate Resolution "R" be adopted, which motion prevailed.

SENATE CONCURRENT RESOLUTION "A-1", Relative to disposal of buildings constructed by the FERA for use of transients, located in vicinity of Bismarck;

Introduced by Senator Cain, was read from the desk.

Senator Cain moved that the resolution be adopted.

Which motion prevailed.

SENATE CONCURRENT RESOLUTION "A-2", Directing the Attorney General to take action for completion of liquidation of all insolvent banking corporations as quickly as possible, but not later than January 1, 1938;

Introduced by Senator Lynn, was read from the desk.

Senator Lynn moved that the resolution be adopted, which motion lost.

SENATE CONCURRENT RESOLUTION "Z", providing for shipping of legislative journals, etc.;

Introduced by Senators Strehlow and Whelan, was read from the desk.

Senator Strehlow moved that the resolution be adopted, which motion prevailed.

SENATE CONCURRENT RESOLUTION "A-3"

Introduced by Senators Coffey and Cain

A Concurrent Resolution Memorializing the Legislative Assembly of the State of Minnesota, to Enact Legislation in Accordance with Recommendations by Representatives of the States of Minnesota, South Dakota and North Dakota, at the Conferences of the Tri-State Committee on the Red River of the North Drainage Basin Held at Fargo, North Dakota, on August 14th and December 1st, 1936.

Was read from the desk.

Senator Coffey moved that the resolution be adopted.

Which motion prevailed.

MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to House Bill No. 304.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to House Bill No. 346.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

## MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the report of the Conference Committee on Senate Bills No. 29, 30, 31, 32, 81 and 104.

And the President has appointed as a new Conference Committee, Senators Gronvold, Williams and Lavik.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senator Blaisdell moved that Senate Bills No. 52, 53, 54, 57 and 58 be messaged to the Governor for signature.

Which motion prevailed.

Senator Brostuen moved that House Bill No. 150 be placed on Second Reading and Final Passage.

Which motion prevailed.

Senator Olson requested a call of the Senate.

Which request was granted.

Senator Brostuen moved that further proceedings under the call of the Senate be dispensed with.

Which motion prevailed.

#### SECOND READING OF HOUSE BILLS

House Bill No. 150. A Bill for an Act to Amend and Re-enact Section 5, of Chapter 166, of the 1929 Session Laws of the State of North Dakota, Relating to Tax on Motor Fuels and for the Distribution of the Revenues Derived from Said Tax.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 32; nays, 16; absent and not voting, 1.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kolpin	Skarvold
Bilden	Kroeber	Streibel
Brostuen	Lavik	Stucke
Coffey	Lemke	Thatcher
Drew	Lian	Thorson
Ettestad	Lynn	Topp
Fine	McGillic	Trout
Fredrickson	Morrison	Vinje
Greene	Mutchler	Williams
Johnson	Olson	Wog
Kamrath	Owings	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Guenther	Nelson, Grand Fks.
Cain	Guthrie	Strehlow
Crandall	Lowe	Watt
Fowler	Magoffin	Whelan
Gilbertson	Nelson, Barnes	Young
Gronvold		

Absent and not voting:

Messrs.  
Hulteng

So the bill passed and the title was agreed to.

Senator Brostuen moved that the vote by which House Bill No. 150 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Lemke moved that the Senate do concur in the House amendments to Senate Bill No. 40.

Senator Young moved as a substitute motion that the Senate do not concur in the House amendments to Senate Bill No. 40.

Which motion was lost.

The question being on the motion of Senator Lemke that the Senate do concur in the House amendments to Senate Bill No. 40, the motion prevailed.

Senator Lemke moved that the rules be suspended and Senate Bill No. 40 be considered properly re-engrossed, and placed upon Second Reading and Final Passage as amended.

Which motion prevailed.

## SECOND READING OF SENATE BILLS

Senate Bill No. 40. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the State Seed Department.

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 45; nays, 1; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Olson
Bilden	Kamrath	Owings
Blaisdell	Kolpin	Skarvold
Brostuen	Kroeber	Strehlow
Cain	Lavik	Streibel
Drew	Lemke	Stucke

<b>Messrs.</b>	<b>Messrs.</b>	<b>Messrs.</b>
Ettestad	Lian	Thatcher
Fine	Lowe	Thorson
Fowler	Lynn	Topp
Fredrickson	Magoffin	Trout
Gilbertson	McGillic	Vinje
Greene	Morrison	Watt
Gronvold	Mutchler	Whelan
Guenther	Nelson, Barnes	Williams
Guthrie	Nelson, Grand Fks.	Young

Those voting in the negative were:

**Messrs.**  
Coffey

Absent and not voting:

**Messrs.**  
Crandall                      Hulteng                      Wog

So the bill passed and the title was agreed to.

Senator Watt moved that the vote by which Senate Bill No. 40 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

#### MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to transmit herewith the following resolutions:

SENATE CONCURRENT RESOLUTION "A-1".

Also,

SENATE CONCURRENT RESOLUTION "A-3".

Which the Senate has adopted and your favorable consideration is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to return:

House Bill No. 150. A Bill for an Act to Amend and Re-enact Section 5, of Chapter 166, of the 1929 Session Laws of the State of North Dakota, Relating to Tax on Motor Fuels and for the Distribution of the Revenues Derived from Said Tax.



FRIDAY, MARCH 5, 1937

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Which the Senate has amended as shown on page 1233 of the Senate Journal.

Very respectfully,

THOMAS McDONALD,  
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. 246, Senate Bill No. 253, Senate Bill No. 208 and Senate Bill No. 124, and find the same correctly enrolled.

WILLIAM KROEBER,  
Chairman.

Senator Kroeber moved that the report be adopted, which motion prevailed and the report was adopted.

MESSAGES FROM THE GOVERNOR

State of North Dakota  
OFFICE OF THE GOVERNOR  
Bismarck

March 4, 1937.

Members of the Senate,

Twenty-fifth Legislative Assembly.

Honorable Gentlemen:

I am returning herewith SB 96, an Act Appropriating Six Thousand Dollars (\$6,000.00) to the State Historical Society for the development of the International Peace Garden on the American side of Rolette County, North Dakota, and declaring an emergency.

I have partially disapproved this Act in that the appropriation for \$6,000.00 is reduced to the sum of \$5,000.00 and the bill as so reduced is approved.

Respectfully,

WILLIAM LANGER,  
Governor.

W.L:jeb

State of North Dakota  
OFFICE OF THE GOVERNOR  
Bismarck

March 5, 1937.

Members of the Senate,

Twenty-Fifth Legislative Assembly.

Honorable Gentlemen:

Partial Veto:

I am returning herewith Senate Bill No. 78, an Act Making an Appropriation for the purpose of defraying the Expenses

of the Maintenance and Operation of the Game and Fish Department, which I have partially disapproved.

In partially disapproving this bill I have reduced the item "Construction—\$20,000.00" to the sum of \$12,500.00, the reason for this being that such sum is for the construction of dams, and that the Federal Government has taken over parts of this work. The amount of \$12,500.00 is therefore sufficient for the construction of dams in this instance.

The bill therefore is reduced and approved in the amount of \$128,000.00, the original appropriation having been \$135,500.00.

Respectfully,

WILLIAM LANGER,  
Governor.

WL:JEB

Senator Brostuen moved that the Senate do not concur in the House amendments to Senate Bill No. 70 and that a conference committee be appointed.

Senator Fowler moved, as a substitute motion, that the Senate do concur in the House amendments to Senate Bill No. 70.

Roll call demanded and granted.

#### ROLL CALL

The question being on the motion of Senator Fowler that the Senate do concur in the House amendments to Senate Bill No. 70, the roll was called and there were ayes, 22; nays, 26; absent and not voting, 1.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Fredrickson	Magoffin
Bilden	Gilbertson	Nelson, Barnes
Blaisdell	Gronvold	Nelson, Grand Fks.
Cain	Guenther	Strehlow
Coffey	Guthrie	Topp
Crandall	Lowe	Watt
Drew	Lynn	Whelan
Fowler		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Brostuen	Lemke	Stucke
Ettestad	Lian	Thatcher
Fine	McGillie	Thorson
Greene	Morrison	Trout
Johnson	Mutchler	Vinje
Kamrath	Olson	Williams
Kolpin	Owings	Wog
Kroeber	Skarvold	Young
Lavik	Streibel	

Absent and not voting:

Messrs.

Hulteng

So the motion was lost.

The question then being on the motion of Senator Brostuen, that the Senate do not concur in the House amendments to Senate Bill No. 70, and that a conference committee be appointed, the motion prevailed.

The President appointed on such committee, Senators Olson, McGillic and Ettestad.

#### MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to return herewith the following bills:

Senate Bill No. 59. A Bill for an Act Prohibiting Dances in or on Premises, or Premises Adjacent to a Place Where Intoxicating Liquors are Sold as a Beverage; Defining the Duties of States Attorneys and Peace Officers; and Declaring an Emergency.

Which the Speaker has signed.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to transmit herewith the following bill:

House Bill No. 297. A Bill for an Act to Amend and Re-enact Section 2 of Chapter 281 of the Session Laws of 1927; Repealing Chapter 74 of the Session Laws of 1929 and Providing an Appropriation for the Paying of Salary, Clerk Hire, Travel and General Expenses of the Office of Veterans' Service Commissioner.

Which the Speaker has signed and your signature is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to transmit herewith the following:

## HOUSE CONCURRENT RESOLUTION "A-2"

Which the House has passed and your favorable consideration is respectfully recommended.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

## MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to inform you that the Senate has refused to concur in the House amendment to Senate Bill No. 70 and the President has appointed as a Conference Committee, Senators Olson, McGillic and Ettetstad.

Very respectfully,

THOMAS McDONALD,  
Secretary.

## SIGNING OF BILLS

The Secretary announced that the President was about to sign:

House Bill No. 212. A Bill for an Act Requiring Certain Matters to Be Considered by the Board of Railroad Commissioners in Determining Rates to Be Allowed to Public Utilities Under Their Jurisdiction; Repeal.

Also,

House Bill No. 354. A Bill for an Act Providing for Free Text Books in Common Schools, Authorizing the Purchase Thereof by the Respective School Boards and Repealing Acts or Parts of Acts in Conflict Herewith.

Also,

House Bill No. 240. A Bill for an Act to Amend and Re-enact Section 1, Chapter 159, Session Laws for 1930, as Amended and Re-enacted by Chapter 130, Session Laws for the Year 1933, and as Again Amended and Re-enacted by Chapter 142 of the Session Laws for the Year 1935, Defining Imitation Ice Cream, Providing Penalty for Violation and Declaring an Emergency.

Also,

House Bill No. 312. A Bill for an Act Authorizing the State Highway Commissioner to Administer Feeder or Other Roads for Which Federal Appropriations Are Made.

Also,

House Bill No. 246. A Bill for an Act to Amend and Re-enact Section 2, of Chapter 141, of the 1927 Session Laws, Relating to the Prevention of Fraud and Deception in the

Manufacture and Sale of Concentrated, Commercial Feeding Stuffs and Providing for Registration and Labeling Thereof and Repealing Acts in Conflict Therewith.

Also,

House Bill No. 201. A Bill for an Act Providing for the Regulation of Dealers in Livestock and Poultry and Defining Who are Dealers; Act Not Applicable, To Whom: License and Bond Required; Duties of Carrier When Shipment of Livestock and Poultry Offered; Powers and Duties of Railroad Commissioners for the Administration and Appropriating Fees Collected to the Use of the Board of Railroad Commisioners for the Administration and Enforcement of the Act Authorizing the Board of Railroad Commissioners to Apply to the District Court for its Appointment as Trustee for the Benefit of Holders of Claims Against Livestock Dealers and Livestock or Poultry Purchased by Said Dealers, and to Marshal the Trust Assets of Such Insolvent and Distribute Such Trust Assets Among Such Claimants; Penalty for Violation of Act; and, Repealing All of Chapter 2 of the Session Laws of the State of North Dakota for the year 1935; and Repealing All Acts in Conflict Herewith; and Making the Act an Emergency Measure.

Also,

House Bill No. 107. A Bill for an Act to Amend and Re-enact Section 2572a of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Providing for the Settlement of the Expenses of Patients in the Hospital for the Insane, the Institution for the Feeble-Minded and State Tuberculosis Sanatorium, Between the Various Counties, the State and Such Institutions, Providing for Disputed Claims, Repealing All Acts in Conflict Therewith, and Declaring an Emergency.

Also,

House Bill No. 207. A Bill for an Act to Amend and Re-enact Section 7297 of the Supplement to the 1913 Compiled Laws of North Dakota, as amended by Chapter 165 of the Session Laws of North Dakota for 1927 Relating to Holidays.

Also,

House Bill No. 108. A Bill for an Act to Amend and Re-enact Section 2579 of the 1925 Supplement to the Compiled Laws of the State of North Dakota for 1913, Providing That the Expenses for the Treatment and Maintenance of Insane Persons in the State Hospital for the Insane Shall Be Charged Against the Estate of Such Persons, Providing for the Disposition of Property of Insane Persons, Repealing All Acts in Conflict Therewith and Declaring an Emergency.

Also,

House Bill No. 230. A Bill for an Act Prohibiting Electrical Power Companies From Charging a Deposit Upon Any Meter Installed Upon the Premises of Any User of

Current Unless Interest Is Paid Annually Upon Such Deposit.

Also,

House Bill No. 121. A Bill for the Use of Tax Reports of Public Utilities by the Board of Railroad Commissioners in Determining Valuations for Rate-Making Purposes.

Also,

HOUSE CONCURRENT RESOLUTION No. 356.

And the President signed the same in the presence of the Senate.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to return herewith the following bills:

House Bill No. 107. A Bill for an Act to Amend and Re-enact Section 2572a of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Providing for the Settlement of the Expenses of Patients in the Hospital for the Insane, the Institution for the Feeble-Minded and State Tuberculosis Sanatorium, Between the Various Counties, the State and Such Institutions, Providing for Disputed Claims, Repealing All Acts in Conflict Therewith, and Declaring an Emergency.

Also,

House Bill No. 108. A Bill for an Act to Amend and Re-enact Section 2579 of the 1925 Supplement to the Compiled Laws of the State of North Dakota for 1913, Providing That the Expenses for the Treatment and Maintenance of Insane Persons in the State Hospital for the Insane Shall Be Charged Against the Estate of Such Persons, Providing for the Disposition of Property of Insane Persons, Repealing All Acts in Conflict Therewith and Declaring an Emergency.

Also,

House Bill No. 121. A Bill for the Use of Tax Reports of Public Utilities by the Board of Railroad Commissioners in Determining Valuations for Rate-Making Purposes.

Also,

House Bill No. 201. A Bill for an Act Providing for the Regulation of Dealers in Livestock and Poultry and Defining Who are Dealers; Act Not Applicable, To Whom: License and Bond Required; Duties of Carrier When Shipment of Livestock and Poultry Offered; Powers and Duties of Railroad Commissioners for the Administration and Appropriation Fees Collected to the Use of the Board of Railroad Commissioners for the Administration and Enforcement of the Act Authorizing the Board of Railroad Commissioners to Apply to the District Court for its Ap-

pointment as Trustee for the Benefit of Holders of Claims Against Livestock Dealers and Livestock or Poultry Purchased by Said Dealers, and to Marshal the Trust Assets of Such Insolvent and Distribute Such Trust Assets Among Such Claimants; Penalty for Violation of Act; and, Repealing All of Chapter 2 of the Session Laws of the State of North Dakota for the year 1935; and Repealing All Acts in Conflict Herewith; and Making the Act an Emergency Measure.

Also,

House Bill No. 207. A Bill for an Act to Amend and Re-enact Section 7297 of the Supplement to the 1913 Compiled Laws of North Dakota, as amended by Chapter 165 of the Session Laws of North Dakota for 1927 Relating to Holidays.

Also,

House Bill No. 212. A Bill for an Act Requiring Certain Matters to Be Considered by the Board of Railroad Commissioners in Determining Rates to Be Allowed to Public Utilities Under Their Jurisdiction; Repeal.

Also,

House Bill No. 230. A Bill for an Act Prohibiting Electrical Power Companies From Charging a Deposit Upon Any Meter Installed Upon the Premises of Any User of Current Unless Interest Is Paid Annually Upon Such Deposit.

Also,

House Bill No. 240. A Bill for an Act to Amend and Re-enact Section 1, Chapter 159, Session Laws for 1930, as Amended and Re-enacted by Chapter 130, Session Laws for the Year 1933, and as Again Amended and Re-enacted by Chapter 142 of the Session Laws for the Year 1935, Defining Imitation Ice Cream, Providing Penalty for Violation and Declaring an Emergency.

Also,

House Bill No. 246. A Bill for an Act to Amend and Re-enact Section 2, of Chapter 141, of the 1927 Session Laws, Relating to the Prevention of Fraud and Deception in the Manufacture and Sale of Concentrated, Commercial Feeding Stuffs and Providing for Registration and Labeling Thereof and Repealing Acts in Conflict Therewith.

Also,

House Bill No. 312. A Bill for an Act Authorizing the State Highway Commissioner to Administer Feeder or Other Roads for Which Federal Appropriations Are Made.

Also,

House Bill No. 359. A Bill for an Act to Amend and Re-enact Sections 3 of Chapter 257 of the 1933 Session Laws,

Relating to Delinquency of Real Estate Taxes, Fixing Penalties; and Declaring an Emergency.

Also,

HOUSE CONCURRENT RESOLUTION "356"

Which the President has signed.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senator Whelan moved that the Senate do now recess until 7:15 tonight.

Which motion prevailed.

The Senate reconvened at 7:15 P. M., pursuant to recess taken, Senator Cain presiding.

Senator Wog requested a call of the Senate.

Which request was granted.

Senator Wog moved that further proceedings under the call of the Senate be dispensed with.

Which motion prevailed.

Senator Fowler: The Sergeant-at-arms came in and notified the conference committee, convening on House Bill No. 125, that there was a Call of the Senate. I have just rushed in here and I met our good friend and comrade, Senator Wog, who advised me there had been assigned to me the duty of performing a very pleasant task, although it is unpleasant in one sense as I have had no time to give any thought to what I should say or what to prepare for the occasion.

But it has been a very pleasant custom that has been established in the Senate in the past, to present some gift to our presiding officer. And as I say, it is a very pleasant task that has been assigned to me and I am sure that all of the Senators will agree with me that while we have disagreed during these 60 days yet when it comes to an occasion of this kind, when it comes to expressing our appreciation of a good presiding officer, we all will unite and all will join together in doing that. It seems to be a characteristic of Americans that they can fight like the devil, but when they get through fighting, they join in to pay tribute where it is due.

So it is a great pleasure to me to present this gift to our presiding officer. I think we will agree that while he has driven us very hard—I have been here this is the sixth session and I think perhaps he has driven us harder than we were driven in any preceding session—that it is because of that that we find ourselves in this very fortunate position—that this morning we cleared our calendar and could "relax and enjoy ourselves" as the Senator from Pembina would say, during the day. All we have left is Senate Bill No. 70 (laughter) and House Bill No. 125 and a few others still to be disposed of.



He has presided with fairness, he has presided with expedition, and has handled the business of the Senate in a very fine, acceptable, admirable manner, and it gives me great pleasure, on behalf of the Senators and employees, to present this gift to you, with our best wishes and our appreciation of the way you have presided over this body. (Applause).

President Thoresen: Mr. President, I now have the opportunity I have sought for a long time—that is the privilege of addressing the Chair. Many a time, as I have sat up there in the presiding officer's chair, I have secretly wished for an opportunity to be down on the floor. Now that opportunity is mine. But I think I must say tonight, on this occasion, that the subject to be discussed is not the one that I would like to discuss. I feel now as I presume everyone else would feel, and that is a lack of words. I do not know just what I can say on an occasion of this kind. I have been accused, I think possibly it is in the public record, by my friend from Pembina, of being a "slave driver." That is not exactly the kind of an endearing term I would like, but possibly I deserve it. I will admit frankly tonight that I have possibly forced the work at times, because when I started out 60 days ago I had one ambition—and that was to see if it was possible to have the work done in such a manner that we could do what we are doing tonight—and as the Senator from Cass has said, "relax." I have never been a member of any of the branches of the legislature, either the House or Senate. But during the past 20 years I have been more or less connected with legislative work. And it has always been a concern to me to note the rush of work that was left for the last hours of the session. And so the ambition had developed in my heart to try and see that the work would be done without waste of time, if that was possible. Now, that is not my credit, gentlemen. The presiding officer can do very little unless he has the whole-hearted cooperation of the members of this body. I think there are many in this house tonight who shortly after the election last fall received a letter from me to the effect that it was my sincere hope and desire that after we entered upon the duties which the people in the various districts in the State of North Dakota has assigned to us, that we could so perform our work that when the session closed, we could not only say we had worked together in the session, but that the attachments and friendships here forged would last throughout the years. I think most of you received such a letter, and I am very happy to say, so far as I am concerned, personally, that that hope, that ideal, that wish, has become a reality. When I entered upon my duties here at the opening of the session, many of you were strangers to me. Some of you had been possibly very much opposed to me politically, and I had great misgivings as to how I would be able to get along. And may it be said to your credit, each and every one of you, there isn't a man in this body that to my personal knowledge, has shown any resentment or anything but the most wonderful co-operation. And I want to say to you from the bottom of my heart that you have become so endeared to me that no matter what may happen, you shall each of you always remain to me a very good friend. I do not know if I have been able to fasten myself as much upon your heart as you have upon mine. I am not boasting or trying to use what we, in

everyday parlance, call "soft-soap" but I am saying sincerely that I think the world of each and every one of you men. You are men of the highest caliber, men of serious and deep thought, men of good judgment, and men who are not swayed by every changing wind. You set out to do your work and you have done a good job with what you have had to work with, and you can go home and face your constituents and say to them that we have tried to do the best we could. You have expedited the affairs of state. And so, my friends, I can give you the compliment, as your presiding officer, that not to me goes the credit for what has been done here. I have only been, so to speak, the one who directed the work. You are the ones who have done the work and if there is any credit due for the work that has been done, the credit belongs to you members of the Senate.

And so, friends, I hope that the attachments formed through these sixty days may continue to grow and last throughout the years. Again I thank you for this wonderful gift. I assure you that it is appreciated, not because of the gift itself but because it shall always be a reminder to me of our associations here these sixty days. And so again, from the bottom of my heart, to each and every one of you Senators and employees, may I say to you simply, thank you very much. (Applause).

Senator Cain: You have referred to the Senator from Pembina and you made a statement that this was your first legislative experience. Some of us have had more experience than the Senator from Pembina but I want to say just this: You don't want to take everything that he says too seriously. If permitted, I might make this further observation. This is the first time, you stated, that you had had the opportunity of talking on this the floor of the Senate. I want to say that I am mighty glad you did not have an opportunity of opposing me on House Bill No. 62.

(Applause).

The President resumed the chair.

#### MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to inform you that the Senate has concurred in the House amendments to Senate Bill No. 40.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bills:

Senate Bill No. 17. A Bill for an Act Making an Appropriation for the Purpose of Paying Salaries, Clerkhire and General Expenses of the Division of Child Hygiene.

Also,

Senate Bill No. 75. A Bill for an Act Making an Additional Appropriation to Care for the Operating Expenses of the 1935-1937 Biennium of the State Training School, Mandan, North Dakota, and Declaring an Emergency.

Also,

Senate Bill No. 99. A Bill for an Act Appropriating Money for the School of Mines at the University of North Dakota, to Supplement Federal Funds for the Investigation and Development of the Mineral Resources Within the Bounds of the State of North Dakota.

Also,

Senate Bill No. 110. A Bill for an Act Validating, Ratifying, Approving, and Confirming Certain Bonds and Other Instruments or Obligations Heretofore Issued, and Validating, Ratifying, Approving and Confirming Certain Proceedings Heretofore Taken, by Public Bodies in This State.

Also,

Senate Bill No. 118. A Bill for an Act Making an Appropriation for Salaries and Expenses of the State Geological Survey and for Co-operation of United States Geological Survey.

Also,

Senate Bill No. 140. A Bill for an Act to Amend and Re-enact Section 1649 of the Compiled Laws of the State of North Dakota for the Year 1913, Providing for Experimentation and Testing of State Minerals or Allied Industrial Resources of the School of Mines at the University of North Dakota, or at Any Mining Experimental Station, or Substation Wheresoever Situated in the State of North Dakota, and Providing for the Patenting of Processes and Inventions Discovered and Developed by Such Experimentation, and Declaring an Emergency.

Also,

Senate Bill No. 124. A Bill for an Act Providing for the Employment of a Fire Department Instructor; Prescribing the Qualifications of Such Instructor and the Duties Thereof; Providing for Salary and Expenses of, and Fees to Be Charged by Such Instructor; Requiring Reports and Providing an Appropriation to Carry Out the Provisions of This Act.

Also,

Senate Bill No. 157. A Bill for an Act Concerning Changes in the Tariffs, Rates, Joint Rates, Fares, Tolls, Schedules or Classifications or Service; Repealing All

Acts or Parts of Acts in Conflict Herewith; and Declaring this Act to be an Emergency Measure.

Also,

Senate Bill No. 177. A Bill for an Act to Amend and Re-enact Section 1376, Session Laws of 1911, Chapter 266.

Also,

Senate Bill No. 208. A Bill for an Act to Amend and Re-enact Chapter 244 of the Session Laws of North Dakota for 1935, Requiring Judgment Creditors to File an Affidavit Identifying the Judgment Debtor, Forbidding Clerks of Court, and Other Officers to Enter Judgments Without Affidavits of Identification, and Providing a Penalty for Failure to Comply With This Law.

Also,

Senate Bill No. 226. A Bill for an Act Amending and Re-enacting Section 69 of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, Relating to Printing of Popular and Authenticated Editions of the Session Laws, Reducing Numbers of Copies of Popular Editions Required to Be Printed, and Repealing All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Also,

Senate Bill No. 246. A Bill for an Act, Providing for the Issuance by the Industrial Commission of Certificates of Indebtedness in Anticipation of the Collection of Property Taxes, Which Have Been Levied by the State Board of Equalization; Prescribing the Terms and Conditions Hereof; Providing for Their Sale and Delivery and Payment; Establishing of the Certificate of Indebtedness Retirement Fund, and Repealing All Acts or Parts of Acts Inconsistent With the Provisions of This Act, and Declaring an Emergency.

Also,

Senate Bill No. 248. A Bill for an Act to Encourage and Promote the Payment of Taxes By Providing for a Rebate On Payments.

Also,

Senate Bill No. 253. A Bill for an Act to Amend and Re-enact Sections 5 and 6 of Chapter 109 of the Session Laws of North Dakota for the Year 1935, Relating to Mutual Aid Corporations, and Declaring an Emergency.

Which the President has signed and your signature is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

FRIDAY, MARCH 5, 1937

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MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to inform you that the House has refused to adopt the report of the Conference Committee on House Bill No. 360 and the Speaker has appointed as a new Conference Committee, House Members: Jensen, O'Brien and Schimke.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to request the return of House Bill No. 297 messaged to the House in error.

Very respectfully,

THOMAS McDONALD,  
Secretary.

MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to inform you that the House has refused to concur in the Senate amendments Sub-division 11, 19 and 24, to House Bill No. 46 and the Speaker has appointed as a Conference Committee, House Members: Olson, Adams; Byrne, Freitag.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to House Bill No. 150.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to return herewith the following:

## SENATE CONCURRENT RESOLUTION "A-3."

Also,

## SENATE CONCURRENT RESOLUTION "A-1."

Which the House has adopted.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

Senator Lemke moved that the chair appoint a conference committee of three to confer with a like committee from the House on House Bill No. 46 which motion prevailed.

The President appointed the following Senators on such committee: Senators Lemke, Watt and Nelson of Grand Forks.

Senator Brostuen moved that the chair appoint a conference committee of three to act with a like committee from the House on House Bill No. 360.

Which motion prevailed.

The President appointed the following Senators on such committee: Senators Blaisdell, Aasen and Streibel.

## MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to inform you that the President has appointed as a Conference Committee on House Bill No. 360, Senators Blaisdell, Aasen and Streibel.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to inform you that the President has appointed as a Conference Committee on House Bill No. 46, Senators Lemke, Watt, Nelson of Grand Forks.

Very respectfully,

THOMAS McDONALD,  
Secretary.

## REPORT OF SELECT COMMITTEES

The Conference Committee on Senate Bills No. 29, 30, 31, 32, 81 and 104 made the following report:

Mr. President: Your Conference Committee to whom was referred Senate Bills No. 29, 30, 31, 32, 81 and 104, have had

the same under consideration and report that they cannot agree and ask to be discharged.

For the Senate:  
F. T. GRONVOLD,  
A. N. LAVIK,  
HENRY WILLIAMS.

For the House:  
JOHN J. ADAMS,  
CALVIN SCHIMKE,  
MANDUS HULTSTRAND.

Senator Gronvold moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Johnson moved that the Chair appoint a fourth conference committee on Senate Bills No. 29, 30, 31, 32, 81 and 104.

Which motion prevailed.

The President appointed on such committee Senators Fowler, Lavik and Lowe.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the report of the conference committee on Senate Bills No. 29, 30, 31, 32, 81 and 104 and the President has appointed as a new conference committee Senators Fowler, Lavik and Lowe.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senator Blaisdell requested that the Senate be on the 15th order of business.

Which request was granted.

Senator Blaisdell moved that the President sign House Bill No. 297.

Which motion prevailed.

Senator Whelan: Thursday House Bill No. 297 was indefinitely postponed. Yesterday the bill was reconsidered and despite offers of amendments we deemed desirable—it was passed.

This bill is the so-called "Veterans Service Commissioner" bill, which was offered as a substitute after the governor's veto of Senate Bill No. 38 which had the same purpose.

The form of the bill as now presented is not that which was desired by the American Legion organization. The only objection that was raised to the form of the bill was because

it did not provide what we considered a fair proportionate representation in the selection of the Veterans Service Commissioner.

We could carry the fight a long way yet. We could, by use of parliamentary tactics, secure amendment to this bill. We could probably compromise the differences. By parliamentary tricks we could eventually kill the bill. We do not want to win by tricks or deals. It is repugnant to the ideals of the American service man to win by tricks or subterfuge. It is repugnant to the oath of office of the officials of the State Department of the American Legion to win through tricks or deals.

To carry this fight further would put many of our friends who are interested in state institutions—as you might say—on the spot. These people have always been our friends. We want to retain their friendship. We want to continue to retain the respect of this body and of the citizens of the state at large. Therefor as far as we are concerned House Bill No. 297 can be sent to the governor.

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign:

House Bill No. 297. A Bill for an Act to Amend and Re-enact Section 2 of Chapter 281 of the Session Laws of 1927; Repealing Chapter 74 of the Session Laws of 1929 and Providing an Appropriation for the Paying of Salary, Clerk Hire, Travel and General Expenses of the Office of Veterans' Service Commissioner.

And the President signed the same in the presence of the Senate.

#### REPORT OF SELECT COMMITTEE

The Conference Committee on Senate Bill No. 255 made the following report:

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 255.

Have had the same under consideration and recommend that the Senate concur in the House amendments.

For the Senate:

MELVIN JOHNSON,  
C. C. MORRISON,  
WM. J. LOWE.

For the House:

L. L. TWICHELL,  
ROBT. GREISER,  
H. J. MORRIS.

Senator Johnson moved that the report be adopted, which motion prevailed and the report was adopted.



Senator Johnson moved that the rules be suspended and Senate Bill No. 255 be considered properly re-engrossed, and placed upon Second Reading and Final Passage, as amended, which motion prevailed.

### SECOND READING OF SENATE BILLS

Senate Bill No. 255. A Bill for an Act Relating the Introduction and Printing of Bills and Providing for an Official Seal for Each Branch of the Legislative Assembly; Repealing Section 52 of the Compiled Laws of 1913 and All Acts and Parts of Acts in Conflict Herewith.

### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 38; nays, 0; absent and not voting, 11.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Skarvold
Bilden	Kamrath	Strehlow
Blaisdell	Kolpin	Streibel
Brostuen	Kroeber	Stucke
Cain	Lavik	Thorson
Coffey	Lian	Topp
Crandall	Lowe	Trout
Drew	Lynn	Vinje
Fine	Magoffin	Watt
Gilbertson	Morrison	Williams
Greene	Mutchler	Wog
Gronvold	Nelson, Barnes	Young
Guenther	Nelson, Grand Fks.	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Ettestad	Hulteng	Owings
Fowler	Lemke	Thatcher
Fredrickson	McGillic	Whelan
Guthrie	Olson	

So the bill passed and the title was agreed to.

Senator Johnson moved that the vote by which Senate Bill No. 255 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:

## SENATE CONCURRENT RESOLUTION "P."

Also,

## SENATE CONCURRENT RESOLUTION "Y."

And find the same correctly enrolled.

WILLIAM KROEBER,  
Chairman.

Senator Kroeber 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:

## SENATE CONCURRENT RESOLUTION "I."

Also,

Senate Bills No. 256, 252, 247, 245, 239, 212, 192, 179, 176, 173, 111, 112.

Also,

Senate Bills No. 105, 91, 73, 22, 16 and 15 were delivered to the Governor for his approval at the hour of 1:07 p. m. March 5, 1937.

WILLIAM KROEBER,  
Chairman.

The Committee on Enrollment and Engrossment made the following report:

Mr. President: Your Committee on Enrollment and Engrossment respectfully report that Senate Bill No. 59 was delivered to the Governor for his approval at the hour of 5:50 p. m., March 5, 1937.

WILLIAM KROEBER,  
Chairman.

## MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to return herewith the following bill:

House Bill No. 297. A Bill for an Act to Amend and Re-enact Section 2 of Chapter 281 of the Session Laws of 1927; Repealing Chapter 74 of the Session Laws of 1929 and Providing an Appropriation for the Paying of Salary, Clerk Hire, Travel and General Expenses of the Office of Veterans' Service Commissioner.

Which the President has signed.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senator Blaisdell moved that the Senate do now recess, subject to the call of the chair, which motion prevailed.

The Senate reconvened pursuant to recess taken.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the report of the conference committee on Senate Bill No. 255.

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### MESSAGES TO THE SENATE

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to return herewith the following bills:

Senate Bill No. 116. A Bill for an Act to Amend and Re-enact Section 8203, Supplement to the Compiled Laws of 1913, Relating to the Right to Exercise Eminent Domain, and Declaring an Emergency.

Also,

Senate Bill No. 202. A Bill for an Act Repealing Sections 7770, 7771, 7772, 7773, 7774, 7775 and 7776 of the Compiled Laws for 1913, Dealing with Amendment of Sheriff and Clerk of Court and Procedure, and Abolishing Amercement Proceedings.

Also,

Senate Bill No. 170. A Bill for an Act to Impose a Tax Upon Dogs, Providing for Assessment, Levy and Collection Thereof; Providing for the Issuance of License Tags for All Dogs Upon Which Said Tax Is Assessed; Providing for the Determination and Payment of Losses from Tax Collected Thereunder to the Owners of Livestock or Poultry Damaged by Dogs, Wolves, or Coyotes; Providing for the Killing of Dogs, Wolves, or Coyotes in Certain Cases; Providing for the Hearing and Appeal; Imposing Powers and Duties on Certain County Officers and Employees, and Providing Penalties for the Violation of This Act. Repealing All Acts or Parts of Acts in Conflict Herewith and Declaring an Emergency.

Also,

Senate Bill No. 182. A Bill for an Act Relating to the Public Health and to the Local Control of Preventable Dis-

eases; and to Authorize and Permit the Several Counties of the State of North Dakota, Either Separately or in Conjunction and Cooperation With One or More Contiguous Counties; to Establish and Maintain Full Time Local Health Departments in Cooperation With and Under the Direction of the State Department of Health; Provide for the Appointment of Local Boards of Health, a Full Time Local Health Officer and the Necessary Personnel of Local Health Units or Districts; Providing a Health Fund; Prescribing the Qualifications of the Health Officer and the Personnel of the Local Health Unit or District; and Providing for Their Compensation; Authorizing Local Boards of Health Organized Hereunder to Make Rules and Regulations Governing Matters Relating to the Public Health of Local Health Units or Districts and to the Control of Preventable Diseases Therein.

Also,

Senate Bill No. 120. A Bill for an Act Providing for the Supervision and Regulation by the Board of Railroad Commissioners of the State of North Dakota, of the Transportation of Persons and Property Over North Dakota Public Highways by Motor Propelled Vehicles, Defining and Classifying Transportation by Motor Propelled Vehicles Affected Hereby and Providing for the Enforcement of the Provisions of this Act and for Penalties for the Violation Thereof, Repealing All of Section 2976V1 to 2976V16 Inclusive, Being Article 55b of Chapter 38 of the Political Code of the State of North Dakota of the 1925 Supplement to the 1913 Compiled Laws of the State of North Dakota, and Chapter 90 of the Session Laws of 1927; Chapter 148 of the Session Laws of 1929; Chapter 188 of the Session Laws of 1931; Chapter 164 of the Session Laws of 1933; Chapter 179 of the Session Laws of 1935, and Chapter 182 of the Session Laws of 1935; and All Other Acts or Parts of Acts in Conflict With This Act, and Declaring an Emergency.

Which the House has indefinitely postponed.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to House Bill No. 253.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to inform you that the

FRIDAY, MARCH 5, 1937

1501

House has concurred in the Senate amendment to House Bill No. 59.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to inform you that the House has adopted the report of the Conference Committee on Senate Bills 29, 30, 31, 32, 81 and 104.

The Speaker has appointed as a new Conference Committee, Representatives Beggs, Aklund and Traynor.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to House Bill No. 168.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to inform you that the House has refused to concur in the Senate amendment to House Bill No. 270 and the Speaker has appointed as a Conference Committee, Wolf, Kapaun and Kraus.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

Senator Owings moved that the President appoint a conference committee of three to confer with a like committee from the House on Senate Bill No. 270, which motion prevailed. The President appointed on such committee Senators Young, Owings and Johnson.

#### 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. 42, Senate Bill No. 128, Senate Bill No. 243 and Senate Bill No. 132.

And find the same correctly enrolled.

WILLIAM KROEBER,  
Chairman.

Senator Kroeber 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:

Senate Concurrent Resolution "A-1", Senate Resolution "R", and Senate Bill No. 40.

And find the same correctly enrolled.

WM. KROEBER,  
Chairman.

Senator Kroeber moved that the report be adopted, which motion prevailed, and the report was adopted.

#### MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to transmit herewith the following bills:

House Bill No. 45. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items of the School for the Deaf at Devils Lake, North Dakota.

Also,

House Bill No. 199. A Bill for an Act Making an Appropriation for Relief to Destitute and Necessitous Persons, Defining the Powers and Duties of the Public Welfare Board in Relation Thereto; Providing for Allocation of Funds to Counties for Relief Purposes; Repealing All Acts and Parts of Acts in Conflict With This Act; and Declaring an Emergency.

Also,

House Bill No. 219. A Bill for an Act Requiring the Adjutant General to Secure Information and Keep Records of and Concerning the Burial Places of Deceased War Veterans Who Died in or Are Buried in the State of North Dakota and to Provide Methods and Means of Performing This Duty.

Also,

House Bill No. 160. A Bill for an Act Amending and Re-enacting Chapter 242 of the 1931 Session Laws of the State of North Dakota; Defining High Schools and Schools Doing High School Work, and Providing That Superintendent of Public Instruction Shall Provide State Course of Study for High Schools as Herein Defined.

Also,

House Bill No. 198. A Bill for an Act Making an Appropriation to Be Expended in Providing Public Assistance to the Needy Aged, the Needy Blind, and to Dependent Children, and in Providing Child Welfare Services in Coordination With and Supplementary to Funds Made Available for Like Purposes in North Dakota by the Federal Government; Defining the Powers and Duties of the Public Welfare Board in Relation Thereto; Repealing All Acts and Parts of Acts in Conflict With This Act; and Declaring an Emergency.

Also,

House Bill No. 100. A Bill for an Act Authorizing and Directing the Board of Administration of the State of North Dakota to Retouch and Repair the Portraits and Paintings of the Former Governors and Legislative Assemblies of North Dakota or Other Paintings and Portraits Having Been Damaged by Exposure to Moisture and Change of Temperature and Making an Appropriation. Emergency.

Also,

House Bill No. 292. A Bill for an Act Providing for the Allowance of a Portion of the Cost of Planting and Growing Forest Trees as a Bounty Therefor, and Prescribing the Duties of the Assessor in Connection Therewith; Repealing All Acts in Conflict Herewith; and Declaring an Emergency.

Which the Speaker has signed and your signature is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to House Bill No. 106.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to inform you that the

President has appointed as a conference committee on House Bill No. 270 Senators Young, Owings and Johnson.

Very respectfully,

THOMAS McDONALD,  
Secretary.

MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to House Bill No. 217.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to inform you that the House has adopted the report of the conference committee on House Bill No. 125.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to House Bill No. 78.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to House Bill No. 333.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to return herewith the following bills:



Senate Bill No. 113. A Bill for an Act to Authorize and Regulate the Issuance of Bonds for the Purpose of Refinancing or Refinancing and Improving, Revenue-producing Works, Undertakings, and Projects by Cities, Villages and Towns, and to Provide for the Payment of Such Bonds, the Remedies of Holders Thereof; and Declaring an Emergency.

Also,

Senate Bill No. 85. A Bill for an Act to Amend Chapter 94 of the Laws of 1935, Relating to Loans and Investments Under the National Housing Act so as to Make Mortgages Insured and Debentures Issued by the Federal Housing Administrator Eligible for Deposit; and for Clarification Purposes.

Also,

Senate Bill No. 11. A Bill for an Act Making an Appropriation for the Purpose of Paying a Bounty on Wolves and Coyotes as Provided for Under Sections 2645 to 2656, Inclusive, of the Supplement to the Compiled Laws of 1913 as Amended by Chapter 283, Session Laws of 1927, and as Amended by Chapter 9, Session Laws of 1933, and as Amended by Chapter 7, Session Laws of 1935; and Magpie Bounty as Provided for by Section 2656b1 to 2656b9, Inclusive, of the Supplement to the 1913 Compiled Laws of North Dakota; and Declaring an Emergency.

Also,

Senate Bill No. 175. A Bill for an Act to Amend and Re-enact Section 1373, Session Laws of 1911, Chapter 266.

Also,

Senate Bill No. 187. A Bill for an Act Providing for Establishing, on Petition, of Temporary and Permanent Farm and Rural Home Advisory Councils, Under Whose Guidance Shall Be Conducted Agricultural, Home Economics and 4-H Club Programs, Providing for the Levy of an Annual Tax Therefor and for Term of Office of Council, Manner of Creating and Provision for Traveling Expense of Permanent Council, for the Appointment of Extension Agents, the Budgeting of Expenses and for Procedure to Discontinue Levy for Agricultural, Home Economics, and 4-H Club Programs in Any County, Providing for Applicability of This Act to Counties Where the County Extension Work Has Been Provided and is Being Conducted Under the Statutes in Force Prior to the Enactment of This Act, and for the Discontinuance in Such Counties Within a Fixed Period of the County Work so Performed Under Former Statutes, and Repealing Section 3259A of the 1925 Supplement to the Compiled Laws of 1913 and All Acts or Parts of Acts in Conflict Herewith.

Also,

Senate Bill No. 180. A Bill for an Act Providing for a Compact Between the States of Minnesota, South Dakota and North Dakota, Authorizing the Creation of a Tristate Waters Commission With Power to Supervise the Utiliza-

tion and Control of the Waters of That Portion of the Drainage Basin of the Red River of the North Lying Within Minnesota, South Dakota and North Dakota.

Also,

Senate Bill No. 101. A Bill for an Act to Amend and Re-enact Chapter 208 of the Session Laws of North Dakota for the Year 1935, Relating to Tax Limitations of Cities.

Also,

Senate Bill No. 20. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary and Miscellaneous General Expenses of the Department of Minimum Wage.

Also,

Senate Bill No. 142. A Bill for an Act to Amend and Re-enact Chapter 81 of the Session Laws for the Year 1933, Relating to Bonds from Contractors on Public Improvements; Repealing Section 6835 of the Compiled Laws for the Year 1913, and All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Also,

Senate Bill No. 194. A Bill for an Act to Regulate the Business of Selling Used Motor Vehicles by Dealers Not Residing in or Having a Permanent Place of Business in This State, and by Resident Dealers Purchasing, Handling and Selling Used Motor Vehicles Received or Acquired From Non-Resident Dealers; Requiring the Registration of All Used Motor Vehicles Brought Into This State for the Purpose of Sale to Be Registered With the Motor Vehicle Registrar, and Requiring All Such Dealers to Execute and Deliver to Each Purchaser a Bond Indemnifying the Purchaser Against Failure of Title, Breach of Warranty or Fraudulent Misrepresentation; Requiring Delivery of a Certificate of Title and Providing Penalties for the Violation of the Provisions of This Act.

Also,

#### SENATE CONCURRENT RESOLUTION "O."

Which the Speaker has signed.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### REPORT OF SELECT COMMITTEES

The Conference Committee on Senate Concurrent Resolution "H" made the following report:

Mr. President: Your Conference Committee to whom was referred:

#### SENATE CONCURRENT RESOLUTION "H."

A Concurrent Resolution providing for the amendment of Article 48 of the Constitution of North Dakota.

Have had the same under consideration and recommend:

That the Senate Concur in the House amendments of Senate Concurrent Resolution "H" except in Lines 7 and 10 of Section 173, Senate Concurrent Resolution "H."

And this Committee recommends that in Line 7, Section 173, the House amendment of 15,000 be struck out and that the words and figures, twelve thousand (12,000) be inserted in lieu thereof. And in Line 10, the words and figures 9,000 as amended by the House be struck out and the words and figures six thousand (6,000) be inserted in lieu thereof; and when so amended recommend the adoption of the same.

For the Senate:

WM. A. THATCHER,  
W. J. TROUT,  
ED. LIAN.

For the House:

GUS A. SCHAUSS,  
H. J. MORRIS,  
C. D. GILBERG.

Senator Thatcher moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Thatcher moved that the rules be suspended and Senate Concurrent Resolution "H" be considered properly re-engrossed, and placed upon Second Reading and Final Passage, as amended, which motion prevailed.

### ROLL CALL

The question being on the adoption of Senate Concurrent Resolution "H" the roll was called and there were ayes, 32; nays, 1; absent and not voting, 16.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Drew	Lian	Stucke
Ettestad	Lynn	Thatcher
Fine	Magoffin	Thorson
Fredrickson	Morrison	Topp
Gilbertson	Mutchler	Trout
Greene	Nelson, Barnes	Vinje
Gronvold	Nelson, Grand Fks.	Whelan
Guthrie	Owings	Williams
Kolpin	Skarvold	Wog
Kroeber	Strehlow	Young
Lemke	Streibel	

Those voting in the negative were:

Messrs.  
Watt

Absent and not voting:

Messrs.	Messrs.	Messrs.
Aasen	Crandall	Kamrath
Bilden	Fowler	Lavik
Blaisdell	Guenther	Lowe
Brostuen	Hulteng	McGillic
Cain	Johnson	Olson
Coffey		

So Senate Concurrent Resolution "H" was adopted.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the report of the conference committee on Senate Concurrent Resolution "H".

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign:

Senate Bill No. 40. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the State Seed Department.

Also,

SENATE CONCURRENT RESOLUTION "A-1".

Also,

Senate Bill No. 42. A Bill for an Act Making an Appropriation for the Use and Benefit of the North Dakota Firemen's Association in Promoting Regional Fire Schools, and Other Activities of Such Association, as Provided for Under Chapter 137, Session Laws of 1935.

Also,

SENATE CONCURRENT RESOLUTION "Y".

Also,

Senate Bill No. 128. A Bill for an Act Making an Appropriation for the Purpose of Paying the Salary of an Executive Director, Stenographic Employees and Miscellaneous General Expenses of the State Planning Board.

Also,

Senate Bill No. 243. A Bill for an Act Making an Emergency Appropriation for High School Correspondence Courses; and Declaring an Emergency.

Also,

House Bill No. 100. A Bill for an Act Authorizing and Directing the Board of Administration of the State of North Dakota to Retouch and Repair the Portraits and Paintings of the Former Governors and Legislative Assemblies of North Dakota or Other Paintings and Portraits Having Been Damaged by Exposure to Moisture and Change of Temperature and Making an Appropriation. Emergency.

Also,

House Bill No. 45. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items of the School for the Deaf at Devils Lake, North Dakota.

Also,

House Bill No. 199. A Bill for an Act Making an Appropriation for Relief to Destitute and Necessitous Persons, Defining the Powers and Duties of the Public Welfare Board in Relation Thereto; Providing for Allocation of Funds to Counties for Relief Purposes; Repealing All Acts and Parts of Acts in Conflict With This Act; and Declaring an Emergency.

Also,

House Bill No. 292. A Bill for an Act Providing for the Allowance of a Portion of the Cost of Planting and Growing Forest Trees as a Bounty Therefor, and Prescribing the Duties of the Assessor in Connection Therewith; Repealing All Acts in Conflict Herewith; and Declaring an Emergency.

Also,

House Bill No. 219. A Bill for an Act Requiring the Adjutant General to Secure Information and Keep Records of and Concerning the Burial Places of Deceased War Veterans Who Died in or Are Buried in the State of North Dakota and to Provide Methods and Means of Performing This Duty.

Also,

House Bill No. 198. A Bill for an Act Making an Appropriation to Be Expended in Providing Public Assistance to the Needy Aged, the Needy Blind, and to Dependent Children, and in Providing Child Welfare Services in Coordination With and Supplementary to Funds Made Available for Like Purposes in North Dakota by the Federal Government; Defining the Powers and Duties of the Public Welfare Board in Relation Thereto; Repealing All Acts and Parts of Acts in Conflict With This Act; and Declaring an Emergency.

And the President signed the same in the presence of the Senate.

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign:

House Bill No. 160. A Bill for an Act Amending and Re-enacting Chapter 242 of the 1931 Session Laws of the State of North Dakota; Defining High Schools and Schools Doing High School Work, and Providing That Superintendent of Public Instruction Shall Provide State Course of Study for High Schools as Herein Defined.

Also,

SENATE CONCURRENT RESOLUTION "P".

And the President signed the same in the presence of the Senate.

The Secretary announced that the President was about to sign:

Senate Bill No. 255. A Bill for an Act Relating the Introduction and Printing of Bills and Providing for an Official Seal for Each Branch of the Legislative Assembly; Repealing Section 52 of the Compiled Laws of 1913 and All Acts and Parts of Acts in Conflict Herewith.

Also,

Senate Bill No. 74. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Training School, Mandan, North Dakota.

Also,

Senate Bill No. 68. A Bill for an Act in Relation to Public Welfare and Social Security; to Provide for Public Aid to Dependent Children, and Prescribing the Duties of the State Public Welfare Board and the County Welfare Boards in the Administration Thereof, and Declaring an Emergency, and Repealing Chapter 165 of the Laws of 1925, Sections 2546a1 to 2546a10, Inclusive, of the 1925 Supplement to the 1913 Compiled Laws of North Dakota.

And the President signed the same in the presence of the Senate.

REPORT OF SELECT COMMITTEE

The conference committee on House Bill No. 46 made the following report:

Mr. President: Your conference committee to whom was referred House Bill No. 46, have had the same under consideration and recommend:

1. The House accepts the Senate amendments on Subdivision 11, but corrects the "TOTAL" in Line 171, to read \$17,473.00 in place of \$19,473.00.

2. In Subdivision 19, Line 291, the Senate recedes and the amount is placed at \$3800.00.

In Line 292, the Senate recedes from its amendments and the amount is placed at \$3,000.00.

In Line 293, the Senate recedes from its amendments and the amount is placed at \$4560.00.

In Line 299, the House accepts the Senate amendment. In the same line after the words "Travel Expense" add the following: "and Car exchange".

In Line 301 the total be corrected to read "17,685.00".

3. In Subdivision 24, the Senate recedes from its amendment. In line 396 the amount should be fixed at "\$600.00".

4. In subdivision 24 correct total to read "\$5559.00".

For the House:

O. C. OLSON,  
H. R. FREITAG,  
JOE D. BYRNE.

For the Senate:

B. W. LEMKE,  
WM. WATT,  
N. N. NELSON.

Senator Lemke moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Lemke moved that the rules be suspended and Senate Bill No. 46 be considered properly re-engrossed and placed upon second reading and final passage, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 46. A Bill for an Act to Appropriate Money for the Expenses of the Executive, Legislative and Judicial Departments of the State Government, and for Public Schools, Specifying the Amount and Time for Which Such Appropriations Shall Be Available, and Repealing All Acts or Parts of Acts, Insofar as the Same Shall Relate to Appropriations Conflicting Herewith or to Appropriations for the Same Matters or Purposes Provided for Herein.

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 30; nays, 0; absent and not voting, 19.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Nelson, Grand Fks.
Blaisdell	Kolpin	Skarvold
Brostuen	Kroeber	Stucke
Drew	Lemke	Thorson
Fowler	Lian	Topp
Fredrickson	Lowe	Trout
Gilbertson	Magoffin	Vinje
Gronvold	Morrison	Watt
Guenther	Mutchler	Whelan
Guthrie	Nelson, Barnes	Williams

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Hulteng	Owings
Cain	Johnson	Strehlow
Coffey	Lavik	Streibel
Crandall	Lynn	Thatcher
Ettestad	McGillic	Wog
Fine	Olson	Young
Greene		

So the bill passed, the title was agreed to, and the emergency clause was declared carried.

Senator Lemke moved that the vote by which House Bill No. 46 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

#### MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the report of the Conference Committee on House Bill No. 46.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to return herewith the following bills:

House Bill No. 100. A Bill for an Act Authorizing and Directing the Board of Administration of the State of North Dakota to Retouch and Repair the Portraits and Paintings of the Former Governors and Legislative Assemblies of North Dakota or Other Paintings and Portraits Having Been Damaged by Exposure to Moisture and Change of Temperature and Making an Appropriation. Emergency.

Also,

House Bill No. 45. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items of the School for the Deaf at Devils Lake, North Dakota.

Also,

House Bill No. 292. A Bill for an Act Providing for the Allowance of a Portion of the Cost of Planting and Growing Forest Trees as a Bounty Therefor, and Prescribing the



Duties of the Assessor in Connection Therewith; Repealing All Acts in Conflict Herewith; and Declaring an Emergency.

Also,

House Bill No. 219. A Bill for an Act Requiring the Adjutant General to Secure Information and Keep Records of and Concerning the Burial Places of Deceased War Veterans Who Died in or Are Buried in the State of North Dakota and to Provide Methods and Means of Performing This Duty.

Also,

House Bill No. 198. A Bill for an Act Making an Appropriation to Be Expended in Providing Public Assistance to the Needy Aged, the Needy Blind, and to Dependent Children, and in Providing Child Welfare Services in Coordination With and Supplementary to Funds Made Available for Like Purposes in North Dakota by the Federal Government; Defining the Powers and Duties of the Public Welfare Board in Relation Thereto; Repealing All Acts and Parts of Acts in Conflict With This Act; and Declaring an Emergency.

Also,

House Bill No. 160. A Bill for an Act Amending and Re-enacting Chapter 242 of the 1931 Session Laws of the State of North Dakota; Defining High Schools and Schools Doing High School Work, and Providing That Superintendent of Public Instruction Shall Provide State Course of Study for High Schools as Herein Defined.

Which the President has signed.

Very respectfully,

THOMAS McDONALD,  
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 Bills No. 52, 54, 57, 53 and 58 were delivered to the Governor for the second time for his approval at the hour of 5:18 p. m., March 5, 1937.

WILLIAM KROEBER,  
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 bills:

Senate Bills No. 68, 74, 255 and find the same correctly Enrolled.

WILLIAM KROEBER,  
Chairman.

Senator Kroeber moved that the report be adopted, which motion prevailed, and the report was adopted.

MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bills:

Senate Bill No. 40. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the State Seed Department.

Also,

SENATE CONCURRENT RESOLUTION "A-1".

Also,

Senate Bill No. 132. A Bill for an Act to Repeal Chapter 254, Laws 1933, Relating to Old Age Pensions and to Cancel All Claims or Rights of Claim on Behalf of the State or Any County by Virtue of Pensions Paid Under Said Act and All Transfers of Property Made by Any Applicant for Pension Under Said Act.

Also,

SENATE CONCURRENT RESOLUTION "P".

Also,

Senate Bill No. 42. A Bill for an Act Making an Appropriation for the Use and Benefit of the North Dakota Firemen's Association in Promoting Regional Fire Schools, and Other Activities of Such Association, as Provided for Under Chapter 137, Session Laws of 1935.

Also,

Senate Bill No. 243. A Bill for an Act Making an Emergency Appropriation for High School Correspondence Courses; and Declaring an Emergency.

Also,

SENATE CONCURRENT RESOLUTION "Y".

Also,

Senate Bill No. 128. A Bill for an Act Making an Appropriation for the Purpose of Paying the Salary of an Executive Director, Stenographic Employees and Miscellaneous General Expenses of the State Planning Board.

FRIDAY, MARCH 5, 1937

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Which the President has signed and your signature is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bills:

Senate Bill No. 255. A Bill for an Act Relating the Introduction and Printing of Bills and Providing for an Official Seal for Each Branch of the Legislative Assembly; Repealing Section 52 of the Compiled Laws of 1913 and All Acts and Parts of Acts in Conflict Herewith.

Also,

Senate Bill No. 74. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Training School, Mandan, North Dakota.

Also,

Senate Bill No. 68. A Bill for an Act in Relation to Public Welfare and Social Security; to Provide for Public Aid to Dependent Children, and Prescribing the Duties of the State Public Welfare Board and the County Welfare Boards in the Administration Thereof, and Declaring an Emergency, and Repealing Chapter 165 of the Laws of 1925, Sections 2546a1 to 2546a10, Inclusive, of the 1925 Supplement to the 1913 Compiled Laws of North Dakota.

Which the President has signed and your signature is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to transmit herewith the following bills:

House Bill No. 112. A Bill for an Act to Prohibit the Operating of Motion Picture Theaters Which Are Owned, Controlled, Managed, or Operated, in Whole or in Part, by Producers or Distributors of Motion Picture Films, or in Which Such Producers or Distributors Have Any Interest.

Also,

House Bill No. 304. A Bill for an Act to Provide for the Assessment of Car Line Companies, Express Companies, Pipe Line Companies, and Air Transportation Companies. Providing for the Allocation of the Tax to the State of North Dakota; and Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Which the Speaker has signed and your signature is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to request the return of Senate Bill No. 66.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to transmit herewith the following resolutions:

HOUSE CONCURRENT RESOLUTION "V".

Also,

HOUSE CONCURRENT RESOLUTION "E".

Also,

HOUSE CONCURRENT RESOLUTION "A-1".

Which the Speaker has signed and your signature is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

Senator Cain moved that the Senate grant the request of the House for the return of Senate Bill No. 66.

Which motion prevailed.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to return herewith the following bill:

Senate Bill No. 66 in accordance with the request of the House for its return.

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign:

House Bill No. 112. A Bill for an Act to Prohibit the Operating of Motion Picture Theaters Which Are Owned, Controlled, Managed, or Operated, in Whole or in Part, by Producers or Distributors of Motion Picture Films, or in Which Such Producers or Distributors Have Any Interest.

Also,

House Bill No. 304. A Bill for an Act to Provide for the Assessment of Car Line Companies, Express Companies, Pipe Line Companies, and Air Transportation Companies. Providing for the Allocation of the Tax to the State of North Dakota; and Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Also,

HOUSE CONCURRENT RESOLUTION "V."

Also,

HOUSE CONCURRENT RESOLUTION "E."

Also,

HOUSE CONCURRENT RESOLUTION "A-1."

And the President signed the same in the presence of the Senate.

#### REPORT OF SELECT COMMITTEES

The Conference Committee on Senate Bill No. 70 made the following report:

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 70, have had the same under consideration and recommend:

1. In Sub-section 2 of Section 2, Line 5, Page 1591 of the House Journal, after the word "the" insert the word "record."

2. At the end of the Sub-section 2, Section 2, Page 1591 of the House Journal after the period add the following: "Provided, however, that no deduction for loss sustained from any farming or agricultural pursuit as provided in this section shall exceed the total sum of \$500.00."

3. At the bottom of Page 1592 of the House Journal strike out Section 2346a25 and insert the following:

"Section 2346a25. ANNUAL TAX.) A tax is hereby levied for the year ending December 31, 1936 and annually thereafter upon the net income of every domestic and foreign corporation received from sources described in Article 2, Sections 7 and 8. Said tax, which shall be levied, collected, and paid annually with respect to such net income, shall be computed at the following rates:

On all net incomes not in excess of \$1000.00 a tax of 3%.

On all net incomes in excess of \$1,000.00 and not in excess of \$3,000.00 a tax of 4%.

On net incomes in excess of \$3,000.00 and not in excess of \$8,000.00 a tax of 5%.

On net incomes in excess of \$8,000.00 and not in excess of \$15,000.00 a tax of 6%.

On net incomes in excess of \$15,000.00 a tax of 7½%.

For the Senate:

AXEL OLSON,  
OLE ETTESTAD,  
J. T. MCGILLIC.

For the House:

W. P. JENSEN,  
A. J. KAPAUN,  
C. P. GILBERG.

Axel Olson moved that the report be adopted.

Senator Fowler moved, as a substitute motion, that the report of the Conference Committee be not adopted.

Senator Fowler requested a call of the Senate, which request was granted.

Senator Fowler moved that further proceedings under the Call of the Senate be dispensed with. Which motion prevailed.

#### ROLL CALL

The question being on the substitute motion of Senator Fowler that the report of the Conference Committee be not adopted.

The roll was called and there were ayes, 21; nays, 27; absent and not voting, 1.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Gilbertson	McGillic
Cain	Gronvold	Nelson, Grand Fks.
Coffey	Guenther	Strehlow
Crandall	Guthrie	Topp
Drew	Lowe	Vinje
Fowler	Lynn	Watt
Fredrickson	Magoffin	Whelan

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Kroeber	Skarvold
Bilden	Lavik	Streibel
Brostuen	Lemke	Stucke
Ettestad	Lian	Thatcher
Fine	Morrison	Thorson
Greene	Mutchler	Trout
Johnson	Nelson, Barnes	Williams
Kamrath	Olson	Wog
Kolpin	Owings	Young

Absent and not voting:

Messrs.  
Hulteng

So the motion was lost.

The question being on the motion of Senator Olson that the report of the conference committee be adopted, the motion prevailed.

Senator Brostuen moved that the rules be suspended and Senate Bill No. 7 be considered properly re-engrossed and placed upon second reading and final passage as amended, which motion prevailed.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 70. A Bill for an Act Providing for and Relating to the Taxation of Individuals, Fiduciaries and Corporations; Prescribing the Rates Which Shall Be Paid with Respect to Net Income as Defined in Article 35 of Chapter 34 of Political Code of the Supplement to the Compiled Laws of 1913 and Acts Amendatory Thereof; Providing When Losses May Be Deducted; Providing for Exemptions and Credit Upon Tax; Providing for Date of Effect and to Amend and Re-enact Section 2346a23 of the Supplement to the Compiled Laws of 1913; and to Amend and Re-enact Section 2346a25 of the Supplement to the Compiled Laws of 1913; and Subsection 4 of Section 4 of Section 2346a18 of the Supplement to the Compiled Laws of 1913 as Amended by Chapter 283, Session Laws, 1931; Providing for Making the Tax a Lien; Providing for Field Auditors; Providing for the Repeal of Paragraph "B" of Subsection 4 of Section 6 of Chapter 283 of the 1931 Session Laws; Making 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, the roll was called and there were ayes, 29; nays, 17; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kolpin	Streibel
Bilden	Lavik	Stucke

Messrs.	Messrs.	Messrs.
Brostuen	Lemke	Thatcher
Crandall	Lian	Thorson
Ettestad	Morrison	Trout
Fine	Mutchler	Vinje
Fredrickson	Nelson, Barnes	Williams
Greene	Olson	Wog
Johnson	Owings	Young
Kamrath	Skarvold	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Coffey	Guthrie	Nelson, Grand Fks.
Drew	Kroeber	Strehlow
Fowler	Lowe	Topp
Gilbertson	Lynn	Watt
Gronvold	Magoffin	Whelan
Guenther	McGillic	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Blaisdell	Cain	Hulteng

So the bill passed, the title was agreed to and the emergency clause was declared lost.

Senator Brostuen 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.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the report of the conference committee on Senate Bill No. 70.

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to transmit herewith the following bills:

House Bill No. 304. A Bill for an Act to Provide for the Assessment of Car Line Companies, Express Companies and Air Transportation Companies, Providing for the Allocation of the Tax to the State of North Dakota, Repealing All Acts



and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Also,

House Bill No. 269. A Bill for an Act to Define Native Lignite and to Separately Classify Native Lignite; and to Declare the Public Policy in Respect Thereto.

Also,

House Bill No. 365. A Bill for an Act to Repeal Article 5 of Chapter 63 of the Civil Code (1913 Compiled Laws of the State of North Dakota) Relating to Mates and Seamen.

Also,

House Bill No. 366. A Bill for an Act to Repeal Article 6 of Chapter 63 of the Civil Code (1913 Compiled Laws of the State of North Dakota) Relating to Ship's Managers.

Also,

House Bill No. 318. A Bill for an Act to Amend and Re-enact Sections 1, 2 and Sub-section (e) of Chapter 106 of the 1935 Session Laws, Relating to the Incorporation of Co-operative Grazing Associations, to Provide for the Organization of Groups With a Smaller Acreage Than 50,000 Acres. Where They May Be Required, and Making No Restrictions as to the Number of Organizations in Any One County to Operate Under Said Chapter.

Also,

House Bill No. 235. A Bill for an Act to Appropriate \$2,500.00 to Be Paid to the State Historical Society of North Dakota Under the Direction of the Federal Writers' Project of the Works Progress Administration, to Be Used for the Printing of The North Dakota Guide, and Providing for the Return of the Money to the State Treasurer, and Providing the Manner of Printing, Distributing, and Accounting for Sale of Said Book.

Also,

House Bill No. 299. A Bill for an Act to Amend and Re-enact Section 860 of the Compiled Laws of North Dakota for the Year 1913; and Repealing All Acts or Parts of Acts in Conflict Herewith.

Also,

House Bill No. 326. A Bill for an Act to Provide for the Collection, Arrangement and Display of the Products and Resources of the State of North Dakota at the New York World's Fair in 1939.

Also,

House Bill No. 322. A Bill for an Act Abolishing the Agricultural Experiment Station Near Hettinger, Adams County, and Providing for Conveyance of Land Where Located and

Improvements Thereon to the City of Hettinger Under Certain Conditions, Repealing Sections 1643 and 1644 of the Compiled Laws of North Dakota, 1913, and Declaring an Emergency.

Also,

House Bill No. 189. A Bill for an Act to Amend Section 22, of Chapter 96, of the Session Laws of the State of North Dakota for the Year 1931, Relating to the Responsibility of Shareholders of State Bank Stock.

Also,

House Bill No. 55. A Bill for an Act to Amend and Re-enact Section 41, Chapter 162, Session Laws of North Dakota, 1927, as Amended and Re-enacted by Chapter 141, Session Laws of North Dakota, 1929, Authorizing the State Highway Commissioner or Such of His Employees as he May Designate and Local Authorities to Prohibit or Restrict the Use of Highways Under the Jurisdiction of Such Officers, and Declaring an Emergency.

Also,

House Bill No. 141. A Bill for an Act Making it the Duty of the State Board of Equalization to Reassess Certain Classes of Property When Any General Tax Levied Against the Property Shall Be Adjudged Illegal and Non-enforceable or Shall Be Set Aside by Any State Court or Federal Court of Competent Jurisdiction and Limiting the Bringing of Actions Against the State for Recovery of Taxes Paid.

Also,

House Bill No. 119. A Bill for an Act Making an Appropriation for the Purpose of Returning to the State Hail Insurance Fund Money Diverted Therefrom by Chapter 155 of the Session Laws of North Dakota for 1935, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Also,

House Bill No. 280. A Bill for an Act Amending Sub-division U of Section 51, of Chapter 96, of the Session Laws of North Dakota for 1931, Relating to the Liquidation of Insolvent Banks by Depositors; and Declaring an Emergency.

Also,

House Bill No. 162. A Bill for an Act to Amend and Re-enact Section 2844 of the Supplement to the 1913 Compiled Laws of North Dakota as Amended by Chapter 119, Session Laws of 1929, Relating to Licenses of Creameries, Cheese Factories, Process Butter Factories, Ice Cream Factories and Cream Stations; Providing for the Distribution of License Moneys; Repealing Acts in Conflict Herewith and Declaring an Emergency.

Also,

House Bill No. 188. A Bill for an Act Authorizing Any Banking Institution to Establish Stations for Receiving of

Deposits and the Payment of Checks and Similar Bank Paper, Subject to the Approval and Supervision of the State Banking Board, and Prohibiting Branch Banking.

Also,

House Bill No. 185. A Bill for an Act to Amend and Re-enact Section 3733 of the 1935 Supplement to the Compiled Laws of 1913, Relating to the Sale of Real Property to Enforce Collection of Delinquent Special Assessments, Relating to the Bidding in of Same When No Bidders at Sale, Relating to Damages to Warrant Holders When Statutory Proceedings Not Followed, Providing a Validating Clause, Making Provisions of This Bill Retroactive, Providing a Saving Clause, and Declaring an Emergency.

Also,

House Bill No. 248. A Bill for an Act Imposing an Excise Tax on Motor Vehicles for the Privilege of Using the Streets and Highways of This State; to Provide for the Collection of Such Tax; the Distribution and Use of the Revenue Derived Therefrom and the Administration of Said Law; Providing for Certain Exemptions; Fixing Fines and Penalties for the Violation of the Provisions of This Act; Defining Motor Vehicles and Declaring an Emergency.

Which the Speaker has signed and your signature is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### 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 Resolution "R."

Was delivered to the Governor for his approval at the hour of 11:45 P. M., March 5, 1937.

WM. KROEBER,  
Chairman.

#### REPORT OF SELECT COMMITTEES

The Conference Committee on House Bill No. 125 made the following report:

Mr. President: Your Conference Committee to whom was referred House Bill No. 125, have had the same under consideration and recommend:

1. That the House concur in all of the Senate amendments to said bill as shown in the Senate Journal of March 4, 1937 at page 1493, except the Senate amendment to Section 33 of the Bill, and as to said amendment that the amount of \$50,000

fixed by the Senate amendment be changed and increased to the sum of \$112,500.

For the Senate:

A. W. FOWLER,  
JAMES W. GUTHRIE,  
J. K. BROSTUEN.

For the House:

JOE D. BYRNE,  
H. J. MORRIS,  
OSCAR W. HAGEN.

Senator Fowler moved that the report be adopted.

Senator Whelan moved as a substitute motion that the Senate do not adopt the report of the conference committee on House Bill No. 125.

Senator Brostuen requested a call of the Senate, which request was granted.

Senator Brostuen moved that further proceedings under the call of the Senate be dispensed with, which motion prevailed.

The question being on the substitute motion of Senator Whelan that the Senate do not adopt the report of the conference committee on House Bill No. 125, the motion lost.

The question then being on the motion of Senator Fowler that the report of the conference committee be adopted, the motion prevailed and the report was adopted.

Senator Fowler moved that the rules be suspended and House Bill No. 125 be placed upon second reading and final passage as amended, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 125. A Bill for an Act to Provide for the Creation, the Powers, the Duties, the Authority and the Jurisdiction of the State Water Conservation Commission; Prescribing its Powers and Duties to Investigate, Plan, Regulate, Control, and Supervise for All Purposes of Flood Control, Water Conservation, Water Irrigation, Water Rights, and Pollution of Water, All Public or Private Navigable or Non-navigable, Surface and Sub-surface, Waters, Streams, Lakes, Ponds, Water-courses, Surface Waters, Run-off Waters, and Watersheds, Located in or Within the Jurisdiction of the State of North Dakota and to Exercise Powers of Contracting, of Sale and of Purchase, and of Leasing and sub-leasing with Respect Thereof; Providing for the Construction, Operation and Maintenance of a System of Works for the Conservation, Development, Storage, Distribution and Utilization of Water, and for the Acquisition and Disposition of Property Necessary Therefor; Authorizing the Issuance and Sale of Water Conservation Revenue Bonds of the State, Payable From the Revenues of Such Works and the Funds Received From the Sale or Disposal of Water and from the Oper-

ation, Lease; Sale or Other Disposition of the Works, Property, and Facilities to Be Acquired Out of the Proceeds of Such Bonds; Providing for the Lien Upon Bond Proceeds, for Exempting Property of Commission from Taxation; Providing for Trust Indentures; Providing for the Creation of Certain Funds in Connection with the Act; Providing for Necessary Help and Expenses; Providing for Contracts with the United States; with Political Sub-divisions of the State, with Associations, Groups, and Persons, Providing for Powers and Duties Concerning Inter-State Compacts and Commissions; Providing for the Purchase and Condemnation, and Otherwise to Acquire Lands and Water Rights and for the Sale and Lease Thereof; Making an Appropriation; Providing for the Creation of a Revenue Bond Payment Fund; Providing Duties of State Agencies Acting Intra State, Concerning Water Conservation, Flood Control and Pollution of Waters and Providing Duties of State Agencies Concerning Inter-State Compacts With Respect to Water Conservation, Flood Control and Pollution of Waters; Providing for the Collection and Payment of Moneys Into Said Fund and Disbursements Therefrom; for Methods of Paying Principal and Interest Thereon by State Treasurer; Providing for Levy of Tax, if Necessary, to Pay Principal and Interest of Revenue Bonds; and Reimbursement of Such Levy, and to Provide that the State Water Conservation Commission May Mortgage Property; and Designating Said Water Conservation Commission as a Public Corporation and Agency of the State; and to Grant Additional Powers to the Commission Concerning Irrigation, the Sale and Lease of Water, and Water Rights; to Borrow Monies; Providing for Authority of Bank of North Dakota to Act as Fiscal Agent, to Purchase and Sell Revenue Bonds and to Make Loans; Repealing Inconsistent Acts 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, 4; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Nelson, Grand Fks.
Bilden	Johnson	Olson
Brostuen	Kamrath	Owings
Cain	Kolpin	Skarvold
Coffey	Lavik	Strehlow
Crandall	Lemke	Streibel
Drew	Lian	Stucke
Ettestad	Lowe	Thorson
Fine	Lynn	Topp
Fowler	Magoffin	Trout
Fredrickson	McGillic	Vinje
Greene	Morrison	Williams
Gronvold	Mutchler	Wog
Guenther	Nelson, Barnes	Young

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Kroeber	Watt	Whelan
Thatcher		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Blaisdell	Gilbertson	Hulteng

So the bill passed and the title was agreed to, and the emergency clause was declared carried.

Senator Brostuen moved that the vote by which House Bill No. 125 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the report of the conference committee on House Bill No. 125.

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign:

Senate Bill No. 151. A Bill for an Act to Authorize, Regulate and Control the Transportation, Importation, Handling, Possession, Purchase, Sale and Dispensing of Alcohol and Alcoholic Beverages, as Now Defined by Law, in This State by Common Carriers, Providing for the Method of Taxing and Licensing Alcohol and Alcoholic Beverages When Handled and Sold by Common Carriers, and of Expending and Distributing the Revenues from Such Taxes and Licenses, and Providing Penalties for the Violation of This Act; and Declaring an Emergency.

Also,

Senate Bill No. 114. A Bill for an Act to Declare the Necessity of Creating Public Bodies Corporate and Politic to Be Known as Housing Authorities to Undertake Slum Clearance and Projects to Provide Dwelling Accommodations for Persons of Low Income; to Create Such Housing Authorities in Cities Having a Population of More Than 5000 Inhabitants and in Counties; to Define the Powers and Duties of Housing Authorities and to Provide for the Exercise of Such Powers, Including Acquiring Property, Borrowing Money, Issuing Bonds and Other Obligations, and Giving Security Therefor;

to Provide that Housing Authorities May Obtain the Attorney General's Opinion Upon Their Bonds; to Provide that Housing Authorities, Their Property and Securities Shall be Exempt From Taxation and Assessment, But to Authorize Certain Payments in Lieu of Taxes; to Confer Remedies on Obligees of Housing Authorities; and to Declare an Emergency.

Also,

Senate Bill No. 98. A Bill for an Act to Promote the Public Welfare by Providing Aid to the Needy Blind.

And the President signed the same in the presence of the Senate.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to return herewith the following bills:

House Bill No. 199. A Bill for an Act Making an Appropriation for Relief to Destitute and Necessitous Persons, Defining the Powers and Duties of the Public Welfare Board in Relation Thereto; Providing for Allocation of Funds to Counties for Relief Purposes; Repealing All Acts and Parts of Acts in Conflict With This Act; and Declaring an Emergency.

Also,

House Bill No. 248. A Bill for an Act Imposing an Excise Tax on Motor Vehicles for the Privilege of Using the Streets and Highways of This State; to Provide for the Collection of Such Tax; the Distribution and Use of the Revenue Derived Therefrom and the Administration of Said Law; Providing for Certain Exemptions; Fixing Fines and Penalties for the Violation of the Provisions of This Act; Defining Motor Vehicles and Declaring an Emergency.

Also,

House Bill No. 141. A Bill for an Act Making it the Duty of the State Board of Equalization to Reassess Certain Classes of Property When Any General Tax Levied Against the Property Shall Be Adjudged Illegal and Non-enforceable or Shall Be Set Aside by Any State Court or Federal Court of Competent Jurisdiction and Limiting the Bringing of Actions Against the State for Recovery of Taxes Paid.

Also,

House Bill No. 280. A Bill for an Act Amending Subdivision U of Section 51, of Chapter 96, of the Session Laws of North Dakota for 1931, Relating to the Liquidation of Insolvent Banks by Depositors; and Declaring an Emergency.

Also,

House Bill No. 119. A Bill for an Act Making an Appropriation for the Purpose of Returning to the State Hail Insurance Fund the Money Diverted Therefrom by Chapter 155 of the Session Laws of North Dakota for 1935, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Also,

House Bill No. 162. A Bill for an Act to Amend and Re-enact Section 2844 of the Supplement to the 1913 Compiled Laws of North Dakota as Amended by Chapter 119, Session Laws of 1929, Relating to Licenses of Creameries, Cheese Factories, Process Butter Factories, Ice Cream Factories and Cream Stations; Providing for the Distribution of License Moneys; Repealing Acts in Conflict Herewith and Declaring an Emergency.

Also,

House Bill No. 188. A Bill for an Act Authorizing Any Banking Institution to Establish Stations for Receiving of Deposits and the Payment of Checks and Similar Bank Paper, Subject to the Approval and Supervision of the State Banking Board, and Prohibiting Branch Banking.

Also,

House Bill No. 185. A Bill for an Act to Amend and Re-enact Section 3733 of the 1935 Supplement to the Compiled Laws of 1913, Relating to the Sale of Real Property to Enforce Collection of Delinquent Special Assessments, Relating to the Bidding in of Same When No Bidders at Sale, Relating to Damages to Warrant Holders When Statutory Proceedings Not Followed, Providing a Validating Clause, Making Provisions of This Bill Retroactive, Providing a Saving Clause, and Declaring an Emergency.

Also,

House Bill No. 55. A Bill for an Act to Amend and Re-enact Section 41, Chapter 162, Session Laws of North Dakota, 1927, as Amended and Re-enacted by Chapter 141, Session Laws of North Dakota, 1929, Authorizing the State Highway Commissioner or Such of His Employees as he May Designate and Local Authorities to Prohibit or Restrict the Use of Highways Under the Jurisdiction of Such Officers, and Declaring an Emergency.

Also,

House Bill No. 189. A Bill for an Act to Amend Section 22, of Chapter 96, of the Session Laws of the State of North Dakota for the Year 1931, Relating to the Responsibility of Shareholders of State Bank Stock.

Also,

House Bill No. 322. A Bill for an Act Abolishing the Agricultural Experiment Station Near Hettinger, Adams County, and Providing for Conveyance of Land Where Located and Improvements Thereon to the City of Hettinger Under Cer-



tain Conditions, Repealing Sections 1643 and 1644 of the Compiled Laws of North Dakota, 1913, and Declaring an Emergency.

Also,

House Bill No. 326. A Bill for an Act to Provide for the Collection, Arrangement and Display of the Products and Resources of the State of North Dakota at the New York World's Fair in 1939.

Also,

House Bill No. 299. A Bill for an Act to Amend and Re-enact Section 860 of the Compiled Laws of North Dakota for the Year 1913; and Repealing All Acts or Parts of Acts in Conflict Herewith.

Also,

House Bill No. 235. A Bill for an Act to Appropriate \$2,-500.00 to Be Paid to the State Historical Society of North Dakota Under the Direction of the Federal Writers' Project of the Works Progress Administration, to Be Used for the Printing of The North Dakota Guide, and Providing for the Return of the Money to the State Treasurer, and Providing the Manner of Printing, Distributing, and Accounting for Sale of Said Book.

Also,

House Bill No. 318. A Bill for an Act to Amend and Re-enact Sections 1, 2 and Sub-section (e) of Chapter 106 of the 1935 Session Laws, Relating to the Incorporation of Co-operative Grazing Associations, to Provide for the Organization of Groups With a Smaller Acreage Than 50,000 Acres, Where They May Be Required, and Making No Restrictions as to the Number of Organizations in Any One County to Operate Under Said Chapter.

Also,

House Bill No. 366. A Bill for an Act to Repeal Article 6 of Chapter 63 of the Civil Code (1913 Compiled Laws of the State of North Dakota) Relating to Ship's Managers.

Also,

House Bill No. 304. A Bill for an Act to Provide for the Assessment of Car Line Companies, Express Companies and Air Transportation Companies, Providing for the Allocation of the Tax to the State of North Dakota, Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Also,

House Bill No. 269. A Bill for an Act to Define Native Lignite and to Separately Classify Native Lignite; and to Declare the Public Policy in Respect Thereto.

Also,

House Bill No. 365. A Bill for an Act to Repeal Article 5 of Chapter 63 of the Civil Code (1913 Compiled Laws of the State of North Dakota) Relating to Mates and Seamen.

Which the President has signed.

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to House Bill No. 40.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to House Bill No. 341.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to inform you that the House has adopted the report of the Conference Committee on Senate Concurrent Resolution "H."

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to inform you that the House has adopted the report of the Conference Committee on Senate Bill No. 70.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

FRIDAY, MARCH 5, 1937

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House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to House Bill No. 239.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to House Bill No. 247.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to inform you that the House has refused to adopt the report of the Conference Committee on House Bill No. 360 and the Speaker has appointed as a new Conference Committee, House Members: Caddell, O'Brien, Traynor.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to House Bill No. 336.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to inform you that the House has adopted the report of the Conference Committee on House Bill No. 46.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to transmit herewith the following bills:

House Bill No. 346. A Bill for an Act Providing for the Formation of Cooperative, Non-profit, Membership Corporations to Be Known as Electric Membership Corporations for the Purpose of Promoting and Encouraging the Fullest Possible Use of Electric Energy in the State by Making Electric Energy Available to the Inhabitants of the State at the Lowest Cost Consistent With Sound Economy and Prudent Management of the Business of Such Corporations; Providing for the Rights, Powers and Duties of Such Corporations; Authorizing and Regulating the Issuance of Bonds by Such Corporations; and Providing for the Payment of Such Bonds and the Rights of the Holders Thereof.

Also,

House Bill No. 133. A Bill for an Act to Amend and Re-enact Section 1190 of the 1925 Supplement to the 1913 Compiled Laws of the State of North Dakota, as the Same Was Amended by Chapter 243 of the 1927 Session Laws of the State, Relating to Consolidation of Schools and Transportation of Pupils; and Repealing Certain Acts in Conflict.

Also,

House Bill No. 253. A Bill for an Act Amending Articles 2889b4, 2889b5 and 2889b6 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, and Being Part of Article 40b of Chapter 38 of the Political Code, Relating to Food and Drugs, and Known as the North Dakota Food and Drug Act.

Also,

House Bill No. 333. A Bill for an Act Making It Unlawful for Any Officer or the Head of Any Department, Board, Bureau, Institution or Industry, to Buy, Sell, Exchange or in Any Manner Acquire or Dispose of Any Bond, Stocks, Certificates of Indebtedness, Notes, Mortgages or Other Evidence of Debt in Which Any Public Funds Have Been or May Be Invested, Without Permission of the Industrial Commission of the State of North Dakota; Providing Penalty for Violation and Declaring an Emergency.

Also,

House Bill No. 106. A Bill for an Act to Amend and Re-enact Sections 2551, 2552, 2553, 2562, 2564 and 2567 of the Compiled Laws of the State of North Dakota for the Year 1913; Providing for Application of Admission to the State Hospital for the Insane; Providing for the Investigation by the Commissioners of Insanity as to Such Application; Providing for Method of Sending Patients to the State Hospital for the Insane; Defining the Terms "Insane" and "Idiot"; Providing for the Issuance of Warrants of Insanity,

or Warrants as to the Requirement of Treatment and/or Observation by the Superintendent of the State Hospital for the Insane; Providing for the Issuance of a Writ of Habeas Corpus in Certain Cases; Repealing All Acts and Parts of Acts in Conflict Therewith, and Declaring an Emergency.

Also,

House Bill No. 160. A Bill for an Act Amending and Re-enacting Chapter 242 of the 1931 Session Laws of the State of North Dakota; Defining High Schools and Schools Doing High School Work, and Providing That Superintendent of Public Instruction Shall Provide State Course of Study for High Schools as Herein Defined.

Also,

House Bill No. 198. A Bill for an Act Making an Appropriation to Be Expended in Providing Public Assistance to the Needy Aged, the Needy Blind, and to Dependent Children, and in Providing Child Welfare Services in Coordination With and Supplementary to Funds Made Available for Like Purposes in North Dakota by the Federal Government; Defining the Powers and Duties of the Public Welfare Board in Relation Thereto; Repealing All Acts and Parts of Acts in Conflict With This Act; and Declaring an Emergency.

Also,

House Bill No. 292. A Bill for an Act Providing for the Allowance of a Portion of the Cost of Planting and Growing Forest Trees as a Bounty Therefor, and Prescribing the Duties of the Assessor in Connection Therewith; Repealing All Acts in Conflict Herewith; and Declaring an Emergency.

Also,

House Bill No. 219. A Bill for an Act Requiring the Adjutant General to Secure Information and Keep Records of and Concerning the Burial Places of Deceased War Veterans Who Died in or Are Buried in the State of North Dakota and to Provide Methods and Means of Performing This Duty.

Also,

House Bill No. 45. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items of the School for the Deaf at Devils Lake, North Dakota.

Also,

House Bill No. 100. A Bill for an Act Authorizing and Directing the Board of Administration of the State of North Dakota to Retouch and Repair the Portraits and Paintings of the Former Governors and Legislative Assemblies of North Dakota or Other Paintings and Portraits Having Been Damaged by Exposure to Moisture and Change of Temperature and Making an Appropriation. Emergency.

Which the Speaker has signed and your signature is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to return herewith the following bills:

Senate Bill No. 248. A Bill for an Act to Encourage and Promote the Payment of Taxes By Providing for a Rebate On Payments.

Also,

Senate Bill No. 253. A Bill for an Act to Amend and Re-enact Sections 5 and 6 of Chapter 109 of the Session Laws of North Dakota for the Year 1935, Relating to Mutual Aid Corporations, and Declaring an Emergency.

Also,

Senate Bill No. 17. A Bill for an Act Making an Appropriation for the Purpose of Paying Salaries, Clerkhire and General Expenses of the Division of Child Hygiene.

Also,

Senate Bill No. 75. A Bill for an Act Making an Additional Appropriation to Care for the Operating Expenses of the 1935-1937 Biennium of the State Training School, Mandan, North Dakota, and Declaring an Emergency.

Also,

Senate Bill No. 99. A Bill for an Act Appropriating Money for the School of Mines at the University of North Dakota, to Supplement Federal Funds for the Investigation and Development of the Mineral Resources Within the Bounds of the State of North Dakota.

Also,

Senate Bill No. 110. A Bill for an Act Validating, Ratifying, Approving, and Confirming Certain Bonds and Other Instruments or Obligations Heretofore Issued, and Validating, Ratifying, Approving and Confirming Certain Proceedings Heretofore Taken, by Public Bodies in This State.

Also,

Senate Bill No. 118. A Bill for an Act Making an Appropriation for Salaries and Expenses of the State Geological Survey and for Co-operation of United States Geological Survey.

Also,

Senate Bill No. 140. A Bill for an Act to Amend and Re-enact Section 1649 of the Compiled Laws of the State of North Dakota for the Year 1913, Providing for Experimentation and Testing of State Minerals or Allied Industrial Resources of the School of Mines at the University of North Dakota, or at Any Mining Experimental Station, or Substation Wheresoever Situated in the State of North Dakota, and Providing for the Patenting of Processes and Inventions Discovered and Developed by Such Experimentation, and Declaring an Emergency.

Also,

Senate Bill No. 124. A Bill for an Act Providing for the Employment of a Fire Department Instructor; Prescribing the Qualifications of Such Instructor and the Duties Thereof; Providing for Salary and Expenses of, and Fees to be Charged by Such Instructor; Requiring Reports and Providing an Appropriation to Carry Out the Provisions of This Act.

Also,

Senate Bill No. 157. A Bill for an Act Concerning Changes in the Tariffs, Rates, Joint Rates, Fares, Tolls, Schedules or Classifications or Service; Repealing All Acts or Parts of Acts in Conflict Herewith; and Declaring this Act to be an Emergency Measure.

Also,

Senate Bill No. 177. A Bill for an Act to Amend and Re-enact Section 1376, Session Laws of 1911, Chapter 266.

Also,

Senate Bill No. 208. A Bill for an Act to Amend and Re-enact Chapter 244 of the Session Laws of North Dakota for 1935, Requiring Judgment Creditors to File an Affidavit Identifying the Judgment Debtor, Forbidding Clerks of Court, and Other Officers to Enter Judgments Without Affidavits of Identification, and Providing a Penalty for Failure to Comply With This Law.

Also,

Senate Bill No. 226. A Bill for an Act Amending and Re-enacting Section 69 of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, Relating to Printing of Popular and Authenticated Editions of the Session Laws, Reducing Numbers of Copies of Popular Editions Required to be Printed, and Repealing All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Also,

Senate Bill No. 246. A Bill for an Act, Providing for the Issuance by the Industrial Commission of Certificates of Indebtedness in Anticipation of the Collection of Prop-

erty Taxes, Which Have Been Levied by the State Board of Equalization; Prescribing the Terms and Conditions Hereof; Providing for Their Sale and Delivery and Payment; Establishing of the Certificate of Indebtedness Retirement Fund, and Repealing All Acts or Parts of Acts Inconsistent With the Provisions of This Act, and Declaring an Emergency.

Which the Speaker has signed.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to return herewith the following bills:

Senate Bill No. 42. A Bill for an Act Making an Appropriation for the Use and Benefit of the North Dakota Firemen's Association in Promoting Regional Fire Schools, and Other Activities of Such Association, as Provided for Under Chapter 137, Session Laws of 1935.

Also,

Senate Bill No. 243. A Bill for an Act Making an Emergency Appropriation for High School Correspondence Courses; and Declaring an Emergency.

Also,

Senate Bill No. 128. A Bill for an Act Making an Appropriation for the Purpose of Paying the Salary of an Executive Director, Stenographic Employees and Miscellaneous General Expenses of the State Planning Board.

Also,

Senate Bill No. 40. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the State Seed Department.

Also,

Senate Bill No. 74. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Training School, Mandan, North Dakota.

Also,

Senate Bill No. 68. A Bill for an Act in Relation to Public Welfare and Social Security; to Provide for Public Aid to Dependent Children, and Prescribing the Duties of the State Public Welfare Board and the County Welfare Boards in the Administration Thereof, and Declaring an Emergency, and Repealing Chapter 165 of the Laws of 1925, Sections



2546a1 to 2546a10, Inclusive, of the 1925 Supplement to the 1913 Compiled Laws of North Dakota.

Also,

Senate Bill No. 255. A Bill for an Act Relating the In-Seal for Each Branch of the Legislative Assembly; Repealing Section 52 of the Compiled Laws of 1913 and All Acts and troduction and Printing of Bills and Providing for an Official Parts of Acts in Conflict Herewith.

Also,

Senate Bill No. 132. A Bill for an Act to Repeal Chapter 254, Laws 1933, Relating to Old Age Pensions and to Cancel All Claims or Rights of Claim on Behalf of the State or Any County by Virtue of Pensions Paid Under Said Act and All Transfers of Property Made by Any Applicant for Pension Under Said Act.

Also,

SENATE CONCURRENT RESOLUTION "Y".

Also,

SENATE CONCURRENT RESOLUTION "A-1".

Which the speaked has signed.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to House Bill No. 126.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to House Bill No. 334.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to inform you that the House has refused to concur in the Senate amendment to

House Bill No. 59 and the Speaker has appointed as a Conference Committee, Representatives Jensen, Wittmer and Peterson of Renville.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to House Bill No. 252.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to inform you that the Speaker has appointed as a Conference Committee on Senate Bill No. 62, Representatives White, Byrne and Schauss.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to return herewith the following bill:

Senate Bill No. 66. A Bill for an Act to Regulate the Operation of Pharmacies, Require the Obtaining of Permit Therefor, Prescribing Certain Requirements with Respect Thereto, Providing for Rules and Regulations to Be Formulated by the North Dakota Board of Pharmacy; and Prescribing Penalties for Violation Thereof.

Which the House has passed unchanged.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### REPORT OF SELECT COMMITTEE

The Conference Committee on Senate Bill No. 29 made the following report:

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 29, have had the same under con-

sideration and recommend that the Senate concur in the House amendments.

For the Senate:  
A. W. FOWLER  
A. N. LAVIK  
WM. J. LOWE

For the House:  
ARLO E. BEGGS  
SYMINGTON  
EDWIN TRAYNOR

Senator Fowler moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Fowler moved that the rules be suspended and Senate Bill No. 29 be considered properly re-engrossed, and placed upon Second Reading and Final Passage, as amended.

#### SECOND READING OF SENATE BILLS

Which motion prevailed.

Senate Bill No. 29. A Bill for an Act Making an Appropriation for Poor and Destitute Persons, Providing the Methods of Expenditure and Audit Thereof; Supervision and Inspection Therefor.

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, 7.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Nelson, Grand Fks.
Bilden	Guthrie	Olson
Blaisdell	Johnson	Skarvold
Brostuen	Kamrath	Strehlow
Cain	Kolpin	Streibel
Coffey	Kroeber	Stucke
Crandall	Lemke	Thatcher
Drew	Lian	Topp
Ettestad	Lowe	Trout
Fine	Lynn	Vinje
Fowler	Magoffin	Watt
Gilbertson	Morrison	Whelan
Greene	Mutchler	Williams
Gronvold	Nelson, Barnes	Wog

Absent and not voting:

Messrs.	Messrs.	Messrs.
Fredrickson	McGillic	Thorson
Hulteng	Owings	Young
Lavik		

So the bill passed and the title was agreed to.

Senator Fowler moved that the vote by which Senate Bill No. 29 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

#### SIGNING OF BILLS

The Secretary announced the President was about to sign:

#### SENATE CONCURRENT RESOLUTION "A-3".

Also,

Senate Bill No. 29. A Bill for an Act Making an Appropriation for Poor and Destitute Persons, Providing the Methods of Expenditure and Audit Thereof; Supervision and Inspection Therefor.

Also,

Senate Bill No. 222. A Bill for an Act Establishing and Defining the Powers and Duties of a State Soil Conservation Committee; Providing for the Creation of Soil Conservation Districts and Defining the Powers and Duties Thereof; Empowering Such Districts to Adopt Programs and Regulations in Connection With Land Use Practices; Providing for the Selection of District Supervisors; Providing for the Adoption of Land Use Regulations and Providing Penalty for Violation of the Same; Providing for Boards of Adjustment in Connection with Land Use Regulations; Providing for the Discontinuance of Districts; Making an Appropriation and Declaring an Emergency.

Also,

Senate Bill No. 66. A Bill for an Act to Regulate the Operation of Pharmacies, Require the Obtaining of Permit Therefor, Prescribing Certain Requirements with Respect Thereto, Providing for Rules and Regulations to Be Formulated by the North Dakota Board of Pharmacy; and Prescribing Penalties for Violation Thereof.

Also,

Senate Bill No. 70. A Bill for an Act Providing for and Relating to the Taxation of Individuals, Fiduciaries and Corporations; Prescribing the Rates Which Shall Be Paid with Respect to Net Income as Defined in Article 35 of Chapter 34 of Political Code of the Supplement to the Compiled Laws of 1913 and Acts Amendatory Thereof; Providing When Losses May Be Deducted; Providing for Exemptions and Credit Upon Tax; Providing for Date of Effect and to Amend and Re-enact Section 2346a23 of the Supplement to the Compiled Laws of 1913; and to Amend and Re-enact Section 2346a25 of the Supplement to the Compiled Laws of 1913; and Subsection 4 of Section 4 of Section 2346a18 of the Supplement to the Compiled Laws of 1913 as Amended by Chapter 283, Session Laws, 1931; Providing for Making the Tax a

Lien; Providing for Field Auditors; Providing for the Repeal of Paragraph "B" of Subsection 4 of Section 6 of Chapter 283 of the 1931 Session Laws; Making a Saving Clause and Declaring an Emergency.

And the President signed the same in the presence of the Senate.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota.  
March 5, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bills:

Senate Bill No. 151. A Bill for an Act to Authorize, Regulate and Control the Transportation, Importation, Handling, Possession, Purchase, Sale and Dispensing of Alcohol and Alcoholic Beverages, as Now Defined by Law, in This State by Common Carriers, Providing for the Method of Taxing and Licensing Alcohol and Alcoholic Beverages When Handled and Sold by Common Carriers, and of Expanding and Distributing the Revenues from Such Taxes and Licenses, and Providing Penalties for the Violation of This Act; and Declaring an Emergency.

Also,

Senate Bill No. 114. A Bill for an Act to Declare the Necessity of Creating Public Bodies Corporate and Politic to Be Known as Housing Authorities to Undertake Slum Clearance and Projects to Provide Dwelling Accommodations for Persons of Low Income; to Create Such Housing Authorities in Cities Having a Population of More Than 5000 Inhabitants and in Counties; to Define the Powers and Duties of Housing Authorities and to Provide for the Exercise of Such Powers, Including Acquiring Property, Borrowing Money, Issuing Bonds and Other Obligations, and Giving Security Therefor; to Provide that Housing Authorities May Obtain the Attorney General's Opinion Upon Their Bonds; to Provide that Housing Authorities, Their Property and Securities Shall be Exempt From Taxation and Assessment, But to Authorize Certain Payments in Lieu of Taxes; to Confer Remedies on Obligees of Housing Authorities; and to Declare an Emergency.

Also,

Senate Bill No. 98. A Bill for an Act to Promote the Public Welfare by Providing Aid to the Needy Blind.

Which the President has signed and your signature is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### REPORT OF SELECT COMMITTEE

The conference committee on House Bill No. 270 made the following report:

Mr. President: Your conference committee to whom was referred House Bill No. 270 have had the same under consideration and beg leave to report that we cannot agree and that the committee be discharged.

For the Senate:

MILTON R. YOUNG,  
MELVIN P. JOHNSON,  
R. A. OWINGS.

For the House:

VAL P. WOLF,  
A. J. KAPAUN,  
ED KRAUS.

Senator Young moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Johnson moved that the Chair appoint a new conference committee to act with a like committee from the House on House Bill No. 270, which motion prevailed. The President appointed on such committee Senators Lowe, Strehlow and Guthrie.

Senator Blaisdell moved that the Chair appoint a new conference committee to confer with a like committee from the House on House Bill No. 360, which motion prevailed. The President appointed on such committee Senators Johnson, Coffey and Ettestad.

The conference committee on Senate Bill No. 31 made the following report:

Mr. President: Your conference committee to whom was referred Senate Bill No. 31 have had the same under consideration and recommend that the Senate concur in the House amendments.

For the Senate:

A. W. FOWLER,  
A. N. LAVIK,  
WM. J. LOWE.

For the House:

ARLO E. BEGGS,  
EARL SYMINGTON,  
EDWIN TRAYNOR.

Senator Fowler moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Stucke moved that the rules be suspended and Senate Bill No. 31 be considered properly re-engrossed and placed upon second reading and final passage as amended, which motion prevailed.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 31. A Bill for an Act Making an Appropriation for Poor and Destitute Persons, Providing the

Method of Expenditure and Audit Thereof; Supervision and Inspection Therefor.

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, 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Johnson	Owings
Blaisdell	Kamrath	Skarvold
Brostuen	Kolpin	Strehlow
Coffey	Kroeber	Streibel
Crandall	Lavik	Stucke
Drew	Lemke	Thatcher
Ettestad	Lian	Thorson
Fine	Lynn	Topp
Fowler	Magoffin	Vinje
Fredrickson	Morrison	Watt
Gilbertson	Mutchler	Whelan
Greene	Nelson, Barnes	Williams
Gronvold	Nelson, Grand Fks.	Young
Guenther		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Cain	Lowe	Trout
Hulteng	McGillic	Wog

So the bill passed and the title was agreed to.

Senator Gronvold moved that the vote by which Senate Bill No. 31 was passed be reconsidered and the motion to reconsider be laid on the table.

### REPORT OF SELECT COMMITTEES

The Conference Committee on Senate Bill No. 30 made the following report:

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 30, have had the same under consideration and recommend:

That the Senate concur in the House amendments.

For the Senate:  
A. W. FOWLER,  
A. N. LAVIK,  
WM. J. LOWE.

For the House:  
ARLO E. BEGGS,  
E. D. SYMINGTON,  
EDWIN TRAYNOR.

Senator Fowler moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Stucke moved that the rules be suspended and Senate Bill No. 30 be considered properly re-engrossed, and placed upon Second Reading and Final Passage, as amended, which motion prevailed.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 30. A Bill for an Act Making an Appropriation for the North Dakota Children's Home and Aid Society of Fargo, North Dakota, Providing the Methods of Expenditure, and Audit Thereof; Supervision and Inspection Therefor.

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, 6.

Those voting in the affirmative were:

<b>Messrs.</b>	<b>Messrs.</b>	<b>Messrs.</b>
Aasen	Guthrie	Olson
Bilden	Johnson	Owings
Blaisdell	Kamrath	Skarvold
Brostuen	Kolpin	Strehlow
Coffey	Kroeber	Streibel
Crandall	Lavik	Stucke
Drew	Lemke	Thatcher
Ettestad	Lian	Thorson
Fine	Lynn	Topp
Fowler	Magoffin	Vinje
Fredrickson	Morrison	Watt
Gilbertson	Mutchler	Whelan
Greene	Nelson, Barnes	Williams
Gronvold	Nelson, Grand Fks.	Young
Guenther		

Absent and not voting:

<b>Messrs.</b>	<b>Messrs.</b>	<b>Messrs.</b>
Cain	Lowe	Trout
Hulteng	McGillic	Wog

So the bill passed and the title was agreed to.

Senator Gronvold moved that the vote by which Senate Bill No. 31 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

#### REPORT OF SELECT COMMITTEES

The Conference Committee on Senate Bill No. 32 made the following report:



Mr. President: Your Conference Committee to whom was referred Senate Bill No. 32, have had the same under consideration and recommend:

That the Senate concur in the House amendments.

For the Senate:  
A. W. FOWLER,  
A. N. LAVIK,  
WM. J. LOWE.

For the House:  
ARLO E. BEGGS,  
E. D. SYMINGTON,  
EDWIN TRAYNOR.

Senator Fowler moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Stucke moved that the rules be suspended and Senate Bill No. 32 be considered properly re-engrossed, and placed upon Second Reading and Final Passage, as amended, which motion prevailed.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 32. A Bill for an Act Making an Appropriation for St. John's Orphanage of Fargo, North Dakota, Providing the Methods of Expenditure and Audit Thereof; Supervision and Inspection Thereof.

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, 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Johnson	Owings
Blaisdell	Kamrath	Skarvold
Brostuen	Kolpin	Strehlow
Coffey	Kroeber	Streibel
Crandall	Lavik	Stucke
Drew	Lemke	Thatcher
Ettestad	Lian	Thorson
Fine	Lynn	Topp
Fowler	Magoffin	Vinje
Fredrickson	Morrison	Watt
Gilbertson	Mutchler	Whelan
Greene	Nelson, Barnes	Williams
Gronvold	Nelson, Grand Fks.	Young
Guenther		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Cain	Lowe	Trout
Hulteng	McGillic	Wog

So the bill passed and the title was agreed to.

Senator Gronvold moved that the vote by which Senate Bill No. 31 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

#### REPORT OF SELECT COMMITTEES

The Conference Committee on Senate Bill No. 81 made the following report:

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 81, have had the same under consideration and recommend:

That the Senate concur in the House amendments.

For the Senate:

A. W. FOWLER,  
A. N. LAVIK,  
WM. J. LOWE.

For the House:

ARLO E. BEGGS,  
E. D. SYMINGTON,  
EDWIN TRAYNOR.

Senator Fowler moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Stucke moved that the rules be suspended and Senate Bill No. 81 be considered properly re-engrossed, and placed upon Second Reading and Final Passage, as amended, which motion prevailed.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 81. A Bill for an Act Making an Appropriation for the Lutheran Welfare Society of North Dakota, Providing the Methods of Expenditure and Audit Thereof; Supervision and Inspection Therefor.

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, 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Johnson	Owings
Blaisdell	Kamrath	Skarvold
Brostuen	Kolpin	Strehlow
Coffey	Kroeber	Streibel
Crandall	Lavik	Stucke
Drew	Lemke	Thatcher
Ettestad	Lian	Thorson
Fine	Lynn	Topp

Messrs.	Messrs.	Messrs.
Fowler	Magoffin	Vinje
Fredrickson	Morrison	Watt
Gilbertson	Mutchler	Whelan
Greene	Nelson, Barnes	Williams
Gronvold	Nelson, Grand Fks.	Young
Guenther		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Cain	Lowe	Trout
Hulteng	McGillic	Wog

So the bill passed and the title was agreed to.

Senator Gronvold moved that the vote by which Senate Bill No. 31 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

#### REPORT OF SELECT COMMITTEES

The Conference Committee on Senate Bill No. 104 made the following report:

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 104, have had the same under consideration and recommend:

That the Senate concur in the House Amendments.

For the Senate:  
A. W. FOWLER,  
A. N. LAVIK,  
WM. J. LOWE.

For the House:  
ARLO E. BEGGS,  
EDWIN TRAYNOR,  
E. D. SYMINGTON,

Senator Fowler moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Fowler moved that the rules be suspended and Senate Bill No. 104 be considered properly re-engrossed, and placed upon Second Reading and Final Passage, as amended, which motion prevailed.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 104. A Bill for an Act Making an Appropriation for the Evangelical Lutheran Good Samaritan Society at Fargo, North Dakota, for the Care and Education of Crippled Children.  
Inspection Therefor.

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, 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guthrie	Olson
Bilden	Johnson	Owings
Blaisdell	Kamrath	Skarvold
Brostuen	Kolpin	Strehlow
Coffey	Kroeber	Streibel
Crandall	Lavik	Stucke
Drew	Lemke	Thatcher
Ettestad	Lian	Thorson
Fine	Lynn	Topp
Fowler	Magoffin	Vinje
Fredrickson	Morrison	Watt
Gilbertson	Mutchler	Whelan
Greene	Nelson, Barnes	Williams
Gronvold	Nelson, Grand Fks.	Young
Guenther		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Cain	Lowe	Trout
Hulteng	McGillic	Wog

So the bill passed and the title was agreed to.

Senator Gronvold moved that the vote by which Senate Bill No. 104 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, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to inform you that the House has adopted the report of the conference committee on House Bill No. 270 and the Speaker has appointed a new conference committee, Representatives Saumur, Kapaun and Kraus.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to inform you that the House has adopted the report of the conference committee on Senate Bills No. 29, 30, 31, 32, 81 and 104.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

FRIDAY, MARCH 5, 1937

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MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the report of the conference committee on House Bill No. 360 and the President has appointed as a new conference committee Senators Johnson, Coffey and Ettestad.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the report of the conference committee on House Bill No. 270 and the President has appointed as a new conference committee Senators Lowe, Strehlow and Guthrie.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the report of the conference committee on Senate Bills No. 29, 30, 31, 32, 81 and 104.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senator Brostuen moved that the President appoint a conference committee to act with a like committee from the House on House Bill No. 59.

Which motion prevailed.

The President appointed the following committee: Senators Brostuen, Bilden and Trout.

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to inform you that the President has appointed as a conference committee on House Bill No. 59 Senators Brostuen, Bilden and Trout.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the report of the conference committee on House Bill No. 125.

Very respectfully,

THOMAS McDONALD,  
Secretary

#### MESSAGE TO THE SENATE

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to inform you that the House has refused to concur in the Senate amendment to House Bill No. 40 and the Speaker has appointed as a Conference Committee, Representatives Sand, Leum and Stray.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

Senator Whelan moved that the President appoint a Conference Committee of three to confer with a like committee from the House on House Bill No. 40, which motion prevailed. The President appointed on such committee Senators Cain, Watt and Young.

#### 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 Resolution "O", Senate Concurrent Resolution "P", Senate Concurrent Resolution "Y", Senate Concurrent Resolution "A-1" were delivered to the Governor for his approval at the hour of 11:30 p. m., March 5, 1937.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to inform you that the President has appointed as a Conference Committee on House Bill No. 40, Senators Cain, Watt and Young.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senator Cain moved that the Governor be requested to return House Bill No. 247, which motion prevailed.

### SIGNING OF BILLS

The Secretary announced that the President was about to sign:

Senate Bill No. 70. A Bill for an Act Providing for and Relating to the Taxation of Individuals, Fiduciaries and Corporations; Prescribing the Rates Which Shall Be Paid with Respect to Net Income as Defined in Article 35 of Chapter 34 of Political Code of the Supplement to the Compiled Laws of 1913 and Acts Amendatory Thereof; Providing When Losses May Be Deducted; Providing for Exemptions and Credit Upon Tax; Providing for Date of Effect and to Amend and Re-enact Section 2346a23 of the Supplement to the Compiled Laws of 1913; and to Amend and Re-enact Section 2346a25 of the Supplement to the Compiled Laws of 1913; and Subsection 4 of Section 4 of Section 2346a18 of the Supplement to the Compiled Laws of 1913 as Amended by Chapter 283, Session Laws, 1931; Providing for Making the Tax a Lien; Providing for Field Auditors; Providing for the Repeal of Paragraph "B" of Subsection 4 of Section 6 of Chapter 283 of the 1931 Session Laws; Making a Saving Clause and Declaring an Emergency.

And the President signed the same in the presence of the Senate.

### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bills:

Senate Bill No. 70. A Bill for an Act Providing for and Relating to the Taxation of Individuals, Fiduciaries and Corporations; Prescribing the Rates Which Shall Be Paid with Respect to Net Income as Defined in Article 35 of Chapter 34 of Political Code of the Supplement to the Compiled Laws of 1913 and Acts Amendatory Thereof; Providing When Losses May Be Deducted; Providing for Exemptions and Credit Upon Tax; Providing for Date of Effect and to Amend and Re-enact Section 2346a23 of the Supplement to the Compiled Laws of 1913; and to Amend and Re-enact Section 2346a25 of the Supplement to the Compiled Laws of 1913; and Subsection 4 of Section 4 of Section 234a18 of the Supplement to the Compiled Laws of 1913 as Amended by Chapter 283, Session Laws, 1931; Providing for Making the Tax a Lien; Providing for Field Auditors; Providing for the Repeal of Paragraph "B" of Subsection 4 of Section 6 of Chapter 283 of the 1931 Session Laws; Making a Saving Clause and Declaring an Emergency.

Which the President has signed and your signature is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to inform you that the House has adopted the report of the Conference Committee on House Bill No. 59.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### MESSAGE TO THE SENATE

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to transmit herewith the following bills:

House Bill No. 239. A Bill for an Act to Amend and Re-enact Section 77 of Chapter 168, Session Laws of 1919 Which Also Appears as Section 3084a77 of the 1925 Supplement Governing Underground Coal Mining Near Boundary Lines and Including Therein Coal Mining Near State, County and Township Highways.

Also,

House Bill No. 168. A Bill for an Act to Amend and Re-enact Chapter 229 of the 1933 Session Laws of the State of North Dakota, as Amended by Chapter 260 of the Session Laws of 1935; to Provide for the Distribution of the Same Upon the Basis of Need, in the Payment of High School Tuition in Lieu of That Now Provided by Law and in the Payment of Direct Aid to School Districts Upon a Teacher-Unit Basis; and to Provide Methods for the Ascertainment and Payment of the Sums Payable to School Districts; and to Provide for Penalty for Making False Report; Repeal of All Acts in Conflict Herewith.

Also,

House Bill No. 46. A Bill for an Act to Appropriate Money for the Expenses of the Executive, Legislative and Judicial Departments of the State Government, and for Public Schools, Specifying the Amount and Time for Which Such Appropriations Shall Be Available, and Repealing All Acts, or Parts of Acts, Insofar as the Same Shall Relate to Appropriations Conflicting Herewith or to Appropriations for the Same Matters or Purposes Provided for Herein.



Also,

House Bill No. 126. A Bill for an Act to Provide for the Transfer of All Moneys Derived From Special Taxes on Motor Vehicle Transportation, Which Are Now Remaining Inactive in Special Funds to the Department of State Highways. Repealing All Acts or Parts of Acts in Conflict Herewith and Declaring an Emergency.

Also,

House Bill No. 334. A Bill for an Act Authorizing the Exchange of Coupon Bonds for Register Bonds of the State of North Dakota.

Also,

House Bill No. 78. A Bill for an Act Providing for the Registration of Public Contractors, and Defining the Term Public Contractor; Providing the Requirements and Method of Obtaining a License to Engage in the Business of Public Contracting in the State of North Dakota; Classifying and Fixing the Fee for Such License; Providing the Method of Suspension, Cancellation and Reinstatement Thereof; Providing Added Requirements in Bond of Foreign Contractor; Prescribing Penalties for the Violation of This Act; and Repealing All Acts or Parts of Acts in Conflict With the Provisions Hereof, and Declaring an Emergency.

Which the Speaker has signed and your signature is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to return:

Senate Bill No. 80. A Bill for an Act to Equalize Taxation and Replace in Part the Tax on Property; to Provide the Public Revenue to Be Used by Such Replacement by Imposing a Tax on the Gross Receipts from Retail Sales as Defined Herein; to Provide for the Collection of Such Tax, the Distribution and Use of the Revenue Derived Therefrom, and the Administration of Said Law; to Provide for Certain Deductions and Exemptions; Establishing a Lien for the Payment of Such Tax; to Fix Fines and Penalties for the Violation of the Provisions of This Act; to Repeal all Laws or Parts of Laws in Conflict Herewith and Declaring an Emergency.

Which the House has amended as follows: On pages 1646 to 1647 of House Journal.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to request the return of:

Senate Bill No. 70. A Bill for an Act Providing for and Relating to the Taxation of Individuals, Fiduciaries and Corporations; Prescribing the Rates Which Shall Be Paid with Respect to Net Income as Defined in Article 35 of Chapter 34 of Political Code of the Supplement to the Compiled Laws of 1913 and Acts Amendatory Thereof; Providing When Losses May Be Deducted; Providing for Exemptions and Credit Upon Tax; Providing for Date of Effect and to Amend and Re-enact Section 2346a23 of the Supplement to the Compiled Laws of 1913; and to Amend and Re-enact Section 2346a25 of the Supplement to the Compiled Laws of 1913; and Subsection 4 of Section 4 of Section 234a18 of the Supplement to the Compiled Laws of 1913 as Amended by Chapter 283, Session Laws, 1931; Providing for Making the Tax a Lien; Providing for Field Auditors; Providing for the Repeal of Paragraph "B" of Subsection 4 of Section 6 of Chapter 283 of the 1931 Session Laws; Making a Saving Clause and Declaring an Emergency.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign:

House Bill No. 45. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items of the School for the Deaf at Devils Lake, North Dakota.

Also,

House Bill No. 292. A Bill for an Act Providing for the Allowance of a Portion of the Cost of Planting and Growing Forest Trees as a Bounty Therefor, and Prescribing the Duties of the Assessor in Connection Therewith; Repealing All Acts in Conflict Herewith; and Declaring an Emergency.

Also,

House Bill No. 219. A Bill for an Act Requiring the Adjutant General to Secure Information and Keep Records of and Concerning the Burial Places of Deceased War Veterans Who Died in or Are Buried in the State of North Dakota and to Provide Methods and Means of Performing This Duty.

Also,

House Bill No. 198. A Bill for an Act Making an Appropriation to Be Expended in Providing Public Assistance to

the Needy Aged, the Needy Blind, and to Dependent Children, and in Providing Child Welfare Services in Coordination With and Supplementary to Funds Made Available for Like Purposes in North Dakota by the Federal Government; Defining the Powers and Duties of the Public Welfare Board in Relation Thereto; Repealing All Acts and Parts of Acts in Conflict With This Act; and Declaring an Emergency.

Also,

House Bill No. 160. A Bill for an Act Amending and Re-enacting Chapter 242 of the 1931 Session Laws of the State of North Dakota; Defining High Schools and Schools Doing High School Work, and Providing That Superintendent of Public Instruction Shall Provide State Course of Study for High Schools as Herein Defined.

Also,

House Bill No. 106. A Bill for an Act to Amend and Re-enact Sections 2551, 2552, 2553, 2562, 2564 and 2567 of the Compiled Laws of the State of North Dakota for the Year 1913; Providing for Application of Admission to the State Hospital for the Insane; Providing for the Investigation by the Commissioners of Insanity as to Such Application; Providing for Method of Sending Patients to the State Hospital for the Insane; Defining the Terms "Insant" and "Idiot"; Providing for the Issuance of Warrants of Insanity, or Warrants as to the Requirement of Treatment and/or Observation by the Superintendent of the State Hospital for the Insane; Providing for the Issuance of a Writ of Habeas Corpus in Certain Cases: Repealing All Acts and Parts of Acts in Conflict Therewith, and Declaring an Emergency.

Also,

House Bill No. 333. A Bill for an Act Making It Unlawful for Any Officer or the Head of Any Department, Board, Bureau, Institution or Industry, to Buy, Sell, Exchange or in Any Manner Acquire or Dispose of Any Bond, Stocks, Certificates of Indebtedness, Notes, Mortgages or Other Evidence of Debt in Which Any Public Funds Have Been or May Be Invested, Without Permission of the Industrial Commission of the State of North Dakota; Providing Penalty for Violation and Declaring an Emergency.

Also,

House Bill No. 253. A Bill for an Act Amending Articles 2889b4, 2889b5 and 2889b6 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, and Being Part of Article 40b of Chapter 38 of the Political Code, Relating to Food and Drugs, and Known as the North Dakota Food and Drug Act.

Also,

House Bill No. 133. A Bill for an Act to Amend and Re-enact Section 1190 of the 1925 Supplement to the 1913 Compiled Laws of the State of North Dakota, as the Same Was

Amended by Chapter 243 of the 1927 Session Laws of the State, Relating to Consolidation of Schools and Transportation of Pupils; and Repealing Certain Acts in Conflict.

Also,

House Bill No. 346. A Bill for an Act to Provide for the Incorporation of Cooperative, Non-Profit, Membership Corporations to Engage in Rural Electrification by Furnishing Electric Energy to Persons in Rural Areas Who Are Not Receiving Central Station Service, Assisting in the Wiring of Premises of Persons in Rural Areas or the Acquisition, Supply or Installation of Electrical or Plumbing Equipment Therein, and/or Furnishing Electric Energy, Wiring Facilities, Electrical or Plumbing Equipment, or Services to Any Other Corporation Organized Under This Act or to the Members Thereof; to Provide for the Rights, Powers and Duties of Such Corporations, Including the Right to Use the Highways and Other Property of the State and to Exercise the Power of Eminent Domain; to Provide for the Creation of Corporate Indebtedness by Such Corporations Without Limitation as to Amount or Proportion Thereof; to Provide an Exemption of Such Corporations from Certain Excise Taxes; to Provide a Limited Exemption of Such Corporations, and the Securities of Such Corporations, from the Securities Commission Act; to Provide for the Extension of This Act to Existing Corporations; and Declaring an Emergency.

Also,

House Bill No. 100. A Bill for an Act Authorizing and Directing the Board of Administration of the State of North Dakota to Retouch and Repair the Portraits and Paintings of the Former Governors and Legislative Assemblies of North Dakota or Other Paintings and Portraits Having Been Damaged by Exposure to Moisture and Change of Temperature and Making an Appropriation. Emergency.

And the President signed the same in the presence of the Senate.

President Thoresen: I am taking this occasion to present to Senator Strehlow the pen used in signing House Bill No. 346, the rural electrification bill, with a note from the Lieutenant Governor to identify the transaction, because of his interest in this bill.

Senator Strehlow: I want to thank the Lieutenant Governor very kindly for presenting me with the pen with which he signed House Bill No. 346. It is a movement that I have sponsored for about two years and I am very deeply interested in this movement. It is a matter of introducing electricity into North Dakota in a co-operative way—it is considered by the government at the present time as one of the best electrical projects that have been started in the United States. I think that this project is going to be looked up to as a model from a large territory. I think that we people out here in North Dakota can very well be proud that this project has been started here, and I sincerely hope that the project will continue to move along as it has and that there will be no

hindrance in the development of it, nor in the building of the lines.

### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota.  
March 5, 1937.

Mr. Speaker: I have the honor to return herewith the following bills:

House Bill 45. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items of the School for the Deaf at Devils Lake, North Dakota.

Also,

House Bill No. 292. A Bill for an Act Providing for the Allowance of a Portion of the Cost of Planting and Growing Forest Trees as a Bounty Therefor, and Prescribing the Duties of the Assessor in Connection Therewith; Repealing All Acts in Conflict Herewith; and Declaring an Emergency.

Also,

House Bill No. 219. A Bill for an Act Requiring the Adjutant General to Secure Information and Keep Records of and Concerning the Burial Places of Deceased War Veterans Who Died in or Are Buried in the State of North Dakota and to Provide Methods and Means of Performing This Duty.

Also,

House Bill No. 198. A Bill for an Act Making an Appropriation to Be Expended in Providing Public Assistance to the Needy Aged, the Needy Blind, and to Dependent Children, and in Providing Child Welfare Services in Coordination With and Supplementary to Funds Made Available for Like Purposes in North Dakota by the Federal Government; Defining the Powers and Duties of the Public Welfare Board in Relation Thereto; Repealing All Acts and Parts of Acts in Conflict With This Act; and Declaring an Emergency.

Also,

House Bill No. 160. A Bill for an Act Amending and Re-enacting Chapter 242 of the 1931 Session Laws of the State of North Dakota; Defining High Schools and Schools Doing High School Work, and Providing That Superintendent of Public Instruction Shall Provide State Course of Study for High Schools as Herein Defined.

Also,

House Bill No. 106. A Bill for an Act to Amend and Re-enact Sections 2551, 2552, 2553, 2562, 2564 and 2567 of the Compiled Laws of the State of North Dakota for the Year 1913; Providing for Application of Admission to the State

Hospital for the Insane; Providing for the Investigation by the Commissioners of Insanity as to Such Application; Providing for Method of Sending Patients to the State Hospital for the Insane; Defining the Terms "Insant" and "Idiot"; Providing for the Issuance of Warrants of Insanity, or Warrants as to the Requirement of Treatment and/or Observation by the Superintendent of the State Hospital for the Insane; Providing for the Issuance of a Writ of Habeas Corpus in Certain Cases; Repealing All Acts and Parts of Acts in Conflict Therewith, and Declaring an Emergency.

Also,

House Bill No. 333. A Bill for an Act Making It Unlawful for Any Officer or the Head of Any Department, Board, Bureau, Institution or Industry, to Buy, Sell, Exchange or in Any Manner Acquire or Dispose of Any Bond, Stocks, Certificates of Indebtedness, Notes, Mortgages or Other Evidence of Debt in Which Any Public Funds Have Been or May Be Invested, Without Permission of the Industrial Commission of the State of North Dakota; Providing Penalty for Violation and Declaring an Emergency.

Also,

House Bill No. 253. A Bill for an Act Amending Articles 2889b4, 2889b5 and 2889b6 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, and Being Part of Article 40b of Chapter 38 of the Political Code, Relating to Food and Drugs, and Known as the North Dakota Food and Drug Act.

Also,

House Bill No. 133. A Bill for an Act to Amend and Re-enact Section 1190 of the 1925 Supplement to the 1913 Compiled Laws of the State of North Dakota, as the Same Was Amended by Chapter 243 of the 1927 Session Laws of the State, Relating to Consolidation of Schools and Transportation of Pupils; and Repealing Certain Acts in Conflict.

Also,

House Bill No. 346. A Bill for an Act to Provide for the Incorporation of Cooperative, Non-Profit, Membership Corporations to Engage in Rural Electrification by Furnishing Electric Energy to Persons in Rural Areas Who Are Not Receiving Central Station Service, Assisting in the Wiring of Premises of Persons in Rural Areas or the Acquisition, Supply or Installation of Electrical or Plumbing Equipment Therein, and/or Furnishing Electric Energy, Wiring Facilities, Electrical or Plumbing Equipment, or Services to Any Other Corporation Organized Under This Act or to the Members Thereof; to Provide for the Rights, Powers and Duties of Such Corporations, Including the Right to Use the Highways and Other Property of the State and to Exercise the Power of Eminent Domain; to Provide for the Creation of Corporate Indebtedness by Such Corporations Without Limitation as to Amount or Proportion Thereof; to Provide an

Exemption of Such Corporations from Certain Excise Taxes; to Provide a Limited Exemption of Such Corporations, and the Securities of Such Corporations, from the Securities Commission Act; to Provide for the Extension of This Act to Existing Corporations; and Declaring an Emergency.

Also,

House Bill No. 100 A Bill for an Act Authorizing and Directing the Board of Administration of the State of North Dakota to Retouch and Repair the Portraits and Paintings of the Former Governors and Legislative Assemblies of North Dakota or Other Paintings and Portraits Having Been Damaged by Exposure to Moisture and Change of Temperature and Making an Appropriation. Emergency.

Which the President has signed.

Very respectfully,

THOMAS McDONALD,  
Secretary.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to inform you that the House requests the return of Senate Bill No. 247.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### MESSAGE TO THE SENATE

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to return herewith the following bills:

Senate Bill No. 151. A Bill for an Act to Authorize, Regulate and Control the Transportation, Importation, Handling, Possession, Purchase, Sale and Dispensing of Alcohol and Alcoholic Beverages, as Now Defined by Law, in This State by Common Carriers, Providing for the Method of Taxing and Licensing Alcohol and Alcoholic Beverages When Handled and Sold by Common Carriers, and of Expending and Distributing the Revenues from Such Taxes and Licenses, and Providing Penalties for the Violation of This Act; and Declaring an Emergency.

Also,

Senate Bill No. 98. A Bill for an Act to Promote the Public Welfare by Providing Aid to the Needy Blind.

Also,

Senate Bill No. 114. A Bill for an Act to Declare the Necessity of Creating Public Bodies Corporate and Politic to Be Known as Housing Authorities to Undertake Slum Clearance and Projects to Provide Dwelling Accommodations for Persons of Low Income; to Create Such Housing Authorities in Cities Having a Population of More Than 5000 Inhabitants and in Counties; to Define the Powers and Duties of Housing Authorities and to Provide for the Exercise of Such Powers, Including Acquiring Property, Borrowing Money, Issuing Bonds and Other Obligations, and Giving Security Therefor; to Provide that Housing Authorities May Obtain the Attorney General's Opinion Upon Their Bonds; to Provide that Housing Authorities, Their Property and Securities Shall be Exempt From Taxation and Assessment, But to Authorize Certain Payments in Lieu of Taxes; to Confer Remedies on Obligees of Housing Authorities; and to Declare an Emergency.

Which the Speaker has signed.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to inform you that the House has refused to adopt the report of the Conference Committee on House Bill No. 270 and the Speaker has appointed as a new Conference Committee, House Members: Wolf, Johnson and Bieloh.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### 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. 222, Senate Bill No. 66, Senate Bill No. 29, Senate Bill No. 70 and Senate Concurrent Resolution "A-3".

And find the same correctly enrolled.

WM. KROEBER,  
Chairman.

Senator Kroeber moved that the report be adopted, which motion prevailed, and the report was adopted.

Senator Cain requested that the Senate return to the Seventh Order of Business.

Which request was granted.



Senator Cain moved that the House be requested to return the original House Bill No. 46.

Which motion prevailed.

Senator Brostuen moved that the Senate concur in the House amendments to Senate Bill No. 80.

Which motion prevailed.

Senator Brostuen moved that the rules be suspended and Senate Bill No. 80 be considered properly re-engrossed, and placed upon the Second Reading and Final Passage, as amended.

Which motion prevailed.

### SECOND READING OF SENATE BILLS

Senate Bill No. 80. A Bill for an Act to Equalize Taxation and Replace in Part the Tax on Property; to Provide the Public Revenue to Be Used by Such Replacement by Imposing a Tax on the Gross Receipts from Retail Sales as Defined Herein; to Provide for the Collection of Such Tax, the Distribution and Use of the Revenue Derived Therefrom, and the Administration of Said Law; to Provide for Certain Deductions and Exemptions; Establishing a Lien for the Payment of Such Tax; to Fix Fines and Penalties for the Violation of the Provisions of This Act; to Repeal all Laws or Parts of Laws in Conflict Herewith 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, 29; nays, 12; absent and not voting, 8.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Nelson, Grand Fks.
Blaisdell	Guthrie	Strehlow
Brostuen	Kamrath	Stucke
Cain	Kroeber	Thatcher
Coffey	Lavik	Topp
Drew	Lowe	Vinje
Ettestad	Magoffin	Whelan
Fowler	Morrison	Wog
Fredrickson	Mutchler	Young
Gronvold	Nelson, Barnes	

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Bilden	Kolpin	Skarvold
Fine	Lemke	Streibel
Greene	Olson	Thorson
Johnson	Owings	Trout

Absent and not voting:

Messrs.	Messrs.	Messrs.
Crandall	Lian	Watt
Gilbertson	Lynn	Williams
Hulteng	McGillic	

So the bill passed, the title was agreed to, and the emergency clause was declared carried.

Senator Brostuen moved that the vote by which Senate Bill No. 80 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937

Mr. Speaker: I have the honor to inform you that the Senate has concurred in the House amendment to Senate Bill No. 80.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to inform you that the Senate requests the return of the original House Bill No. 46.

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to return herewith the following bill:

House Bill No. 46, which the Senate has requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

Senator Cain moved that the Senate reconsider the vote by which House Bill No. 46 was passed, which motion prevailed.

Senator Cain moved that the Senate reconsider the vote by which it adopted the report of the conference committee on House Bill No. 46, which motion prevailed.

Senator Cain moved that the Senate do not concur in the House amendments to House Bill No. 46 and that a conference committee be appointed.

Which motion prevailed.

The President appointed the following conference committee on House Bill No. 46: Senators Cain, Blaisdell and Kolpin.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to inform you that the President has appointed as a conference committee on House Bill No. 46, Senators Cain, Blaisdell and Kolpin.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senator Cain moved that the request of the House for the return of Senate Bill No. 247 be granted.

Which motion prevailed.

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to return herewith the following bill: Senate Bill No. 247, in accordance with the request of the House.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senator Strehlow moved that Senate Resolution "R" be printed in the Journal. Which motion prevailed.

#### SENATE RESOLUTION "R"

Introduced by Senators Stréhlow, Williams and Whelan

WHEREAS, It seems desirable that the general receivership of all closed banking institutions be terminated without further delay;

WHEREAS: It appears that the Supreme Court of this state has ample authority under existing laws to make the necessary rules, regulations and orders for the orderly closing of such receiverships without additional legislation:

THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA:

Section 1. We do hereby suggest that the Supreme Court of this state promulgate all necessary and proper rules,

regulations and orders directing that the present general receiverships be closed with the least possible delay.

Section 2. That in making such orders, rules and regulations the court protect and safeguard the interest of the depositors as well as the stockholders in the several institutions, so far as possible, and in this connection we suggest that the rules, regulations and orders so to be made provide some reasonable simple and convenient method under which the assets of the individual institutions may be taken over by the depositors if so desired.

Section 3. We further suggest that such rules, regulations and orders be so prepared as to make it possible to prevent anyone from making large profits out of the remaining assets at the expense of the debtors.

Senator Young moved that the report of the Special Investigating Committee, authorized to investigate alleged political contributions and assessments under Senate Resolution "O" be adopted and printed in the Journal. Which motion prevailed.

#### TO THE SENATE OF THE TWENTY-FIFTH LEGISLATIVE ASSEMBLY:

Mr. President and Members:

Your special committee authorized to investigate alleged collections of political contributions from state employees begs leave to report that they have investigated these charges and find them to be true.

Mr. Roy Benson of the central office of the Highway Department and other employees admitted under oath that these collections were being made on the basis of two per cent of their monthly salaries; that such assessments and collections were being made through Mr. Benson under authorization from a Mr. Ellwood Eck, who is Secretary-Treasurer of the Nonpartisan League State Executive Committee; like wise by evidence under oath from Mr. C. E. Van Horne, Deputy Registrar of the Motor Vehicle Department and employees a similar assessment of two per cent of the monthly salaries has been levied and is being collected under authorization of Mr. Ellwood Eck, Secretary-Treasurer of the State Executive Committee of the Nonpartisan League. These two state employees, Mr. Van Horne and Mr. Benson are acting as agents of this State Executive Committee in the handling of these funds from the employees to the political party.

In view of the above facts your committee desires to recommend the following resolution for adoption, that it be printed in the Journal and that a copy be sent to all elected state officials, and the Governor by the Secretary of the Senate for his information; and further that such resolution will represent the defined policy of working conditions for state employees as decided by the Senate duly assembled in the Twenty-Fifth Legislative Assembly of the State of North Dakota,

## RESOLUTION

WHEREAS, the special investigating committee of the Senate of the Twenty-Fifth Legislative Assembly has duly determined by evidence submitted under oath by employees of the state departments working under the jurisdiction of Governor William Langer and other elective officials, that an assessment of approximately two per cent of the monthly salaries of these employees has been levied and is being collected from employees of these departments through an agent working in such departments under authorization of Ellwood Eck, Secretary-Treasurer of the Nonpartisan Executive Committee and that such facts are not conducive to working conditions, loyalty to their employer, nor in the interest of the public welfare.

AND WHEREAS, the Bureau of Public Roads, the Federal Department working in conjunction with the State Highway Department in the supervision and administration of large sums of money for highway construction has notified the members of the Senate by telegram, which reads in part as follows:

“REPLYING TO YOUR WIRE TWELFTH PRINCIPAL TROUBLE IN NORTH DAKOTA HAS BEEN AND IS INADEQUATE STATE FUNDS FOR HIGHWAY CONSTRUCTION AND MAINTENANCE COMMA UNCERTAIN TENURE OF HIGHWAY DEPARTMENT PERSONNEL AND INADEQUATE PROVISION FOR SUCH PERSONNEL COMMA STATE HIGHWAY SYSTEM WHICH IS CONSTANTLY BEING INCREASED BY LEGISLATIVE ACTION IS TOO LARGE FOR PROVISION MADE FOR ITS CONSTRUCTION AND MAINTENANCE STOP OUR SUGGESTION IS HIGHWAY DEPARTMENT SHOULD BE GIVEN ADEQUATE AND COMPETENT PERSONNEL FREE FROM POLITICAL DOMINATION AND CONTROL . . . ,” and,

WHEREAS, such practice of levying assessments on salaries of highway employees is a vicious method of political domination and political control and is in direct contravention to the desires of the Bureau of Public Roads and may result in the discontinuing of Federal relations with such Department, if continued, and

WHEREAS, the salaries paid state employees are at a minimum in relation to living conditions due to the economic depression, crop failures, low farm prices and inability to pay taxes, these assessments result in adverse working conditions for employees resulting in a direct loss through the inefficiency of employees to properly maintain living conditions and other public taxpayers through such loss of efficiency, and

WHEREAS, for several campaigns charges and counter charges have been hurled regarding forced contributions from state employees for political purposes bringing about a state of fear in the minds of employees, subjecting them to political racketeers who force them to pay exorbitant portions of their salaries in order to insure holding their positions bringing further inefficiency in state government; creating an opportunity for department heads to increase salaries in

order that political assessments may be larger as is evidenced by the totally unwarranted increases in salaries in the Motor Vehicle Department, as evidenced by the attached report, and

WHEREAS, in this Legislative Assembly the Motor Vehicle Department received a deficiency appropriation in the amount of \$70,000.00 in order to operate until July 1st, 1937, yet in view of this fact have given increases in salaries ranging from six per cent to twenty-two per cent, or an average of twenty per cent.

THEREFORE, BE IT RESOLVED BY THE SENATE OF THE TWENTYFIFTH LEGISLATIVE ASSEMBLY of the State of North Dakota that the practice of levying assessments on the salaries of state employees for political purposes by any state employees, elective, or appointive be stopped at once, and that responsible officials, including elective officers and appointive heads of the Departments are hereby ordered to immediately take the necessary means in order to insure that officials or members of any political party are not permitted or aided in any manner whatsoever to force contributions for political purposes from state employees working under their jurisdiction.

MILTON R. YOUNG,  
Chairman.

WM. WATT,  
TOM WHELAN.

OFFICE OF MOTOR VEHICLE REGISTRAR  
PAYROLL

Position	Salary Rate Per Month in January	Change of Admin- istration, Feb. Rate Per Month
Rate Clerk .....	\$125.00	\$130.00
Typist .....	80.00	80.00
Ass't Title Transfer Clerk .....	80.00	105.00
Clerk .....	80.00	90.00
Clerk .....	80.00	90.00
Typist .....	80.00	80.00
General Information Clerk .....	105.00	145.00
Rate Clerk .....	110.00	125.00
Clerk .....	90.00	90.00
Mailing Clerk .....	135.00	135.00
Reference Clerk .....	110.00	115.00
Cashier .....	100.00	125.00
Typist .....	80.00	80.00
Clerk .....	90.00	90.00
Registrar .....	160.00	160.00
Ditto Machine Operator .....	75.00	105.00
Duplicate Title Clerk .....	105.00	115.00
Typist .....	90.00	90.00
Title Transfer Clerk .....	105.00	115.00
Deputy Registrar (New Job Latter Part of Jan.)		180.00
Title and Return Mail Clerk .....	95.00	115.00
Check Writer & Refund Clerk .....	90.00	115.00
Counter and Rate Clerk .....	140.00	170.00
Bookkeeper .....	135.00	145.00
Typist .....	80.00	85.00
License Number Clerk .....	90.00	125.00

## MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to request the return of the original Senate Bill No. 70.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

## REPORT OF SELECT COMMITTEES

The Conference Committee on House Bill No. 360 made the following report:

Mr. President: Your Conference Committee to whom was referred House Bill No. 360.

Have had the same under consideration and recommend: That the Senate recede from all Senate amendments except the amendment striking out the language "Or capable of being operated as it appears in lines 11 and 12 and line 19 of the Printed Bill; and further recommend the following amendment to the Printed Bill: Strike out the title and insert in lieu thereof the following: "For an act to amend and reenact Section 2 of Chapter 172 of the Session Laws of North Dakota for 1935 and Declaring and Emergency." In line 1, section 1 of the Printed Bill after the word "section" change the figure "6" to "2."

For the Senate:  
MELVIN P. JOHNSON,  
OLE ETTESTAD,  
GEORGE V. COFFEY.

For the House:  
JAMES CADDELL,  
EDWIN TRAYNOR,  
HARRY O'BRIEN.

Senator Johnson moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Johnson moved that the rules be suspended and House Bill No. 360 be placed upon Second Reading and Final Passage, as amended, which motion prevailed.

## ROLL CALL

The question being on the final passage of House Bill No. 360, as amended, the roll was called and there were ayes, 43; nays, 1; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kolpin	Owings
Bilden	Kroeber	Skarvold
Brostuen	Lavik	Strehlow

Messrs.	Messrs.	Messrs.
Cain	Lemke	Streibel
Coffey	Lian	Stucke
Drew	Lowe	Thorson
Fowler	Lynn	Topp
Fredrickson	Magoffin	Trout
Gilbertson	McGillic	Vinje
Greene	Morrison	Watt
Gronvold	Mutchler	Whelan
Guenther	Nelson, Barnes	Williams
Guthrie	Nelson, Grand Fks.	Wog
Johnson	Olson	Young
Kamrath		

Those voting in the negative were:

Messrs.  
Thatcher

Absent and not voting:

Messrs.	Messrs.	Messrs.
Blaisdell	Ettestad	Hulteng
Crandall	Fine	

So the bill passed, the title was agreed to, and the emergency clause was declared carried.

Senator Johnson moved that the vote by which House Bill No. 360 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senator Brostuen moved that the request of the House for the return of Senate Bill No. 70 be denied.

Senator Cain moved, as a substitute motion, that the request of the House for the return of Senate Bill No. 70, be granted.

Roll Call demanded and granted.

### ROLL CALL

The question being on the substitute motion to return the original of Senate Bill No. 70 to the House, the roll was called and there were ayes, 16; nays, 30; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Guthrie	Nelson, Grand Fks.
Cain	Lowe	Thatcher
Coffey	Lynn	Topp
Fredrickson	Magoffin	Watt
Gronvold	Morrison	



Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Aasen	Kroeber	Strehlow
Bilden	Lavik	Streibel
Brostuen	Lemke	Stucke
Drew	Lian	Thorson
Fine	McGillic	Trout
Gilbertson	Mutchler	Vinje
Greene	Nelson, Barnes	Whelan
Guenther	Olson	Williams
Johnson	Owings	Wog
Kamrath	Skarvold	Young
Kolpin		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Crandall	Fowler	Hulteng
Ettestad		

So the motion was lost.

The question then being on the motion of Senator Brostuen that the request of the House for the return of Senate Bill No. 70 be denied, the motion prevailed.

#### REPORT OF SELECT COMMITTEES

The Conference Committee on House Bill No. 59 made the following report:

Mr. President: Your Conference Committee to whom was referred House Bill No. 59.

Have had the same under consideration and recommend that the Senate recede from its amendment on line 4 of Section 3 "to strike figures 1936 and insert in lieu thereof the figures 1937," on page 1425, Senate Journal of March 4, 1937.

For the Senate:  
 J. K. BROSTUEN,  
 O. E. BILDEN,  
 W. J. TROUT.

For the House:  
 N. P. JENSEN,  
 CARL H. DITTMER,  
 C. M. PETERSON of Renville.

Senator Brostuen moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Brostuen moved that the rules be suspended and House Bill No. 59 be placed upon Second Reading and Final Passage, as amended, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

House Bill No. 59. A Bill for an Act Permitting the Board of County Commissioners to Adjust Real Estate Taxes Levied or Assessed Against Property Within Their County

Delinquent Prior to December 1, 1936. Permitting Payments in Six Installments. Providing Manner of Payments. Suspending Operation of Law and Collection of Delinquent Taxes. Permitting Suit by Civil Action 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, 1; absent and not voting, 5.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kolpin	Owings
Bilden	Kroeber	Skarvold
Brostuen	Lavik	Strehlow
Cain	Lemke	Streibel
Coffey	Lian	Stucke
Drew	Lowe	Thatcher
Ettestad	Lynn	Thorson
Fine	Magoffin	Topp
Fredrickson	McGillic	Vinje
Gilbertson	Morrison	Watt
Greene	Mutchler	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young
Kamrath		

Those voting in the negative were:

Messrs.  
Johnson

Absent and not voting:

Messrs.	Messrs.	Messrs.
Blaisdell	Fowler	Trout
Crandall	Hulteng	

So the bill passed and the title was agreed to.

Senator Brostuen moved that the vote by which House Bill No. 59 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

#### REPORT OF SELECT COMMITTEES

The Conference Committee on House Bill No. 270 made the following report:

Mr. President: Your Conference Committee to whom was referred House Bill No. 270, have had the same under con-

sideration and beg leave to report that we cannot agree and that the committee be discharged.

For the Senate:  
MAX H. STREHLOW,  
WM. J. LOWE,  
JAMES W. GUTHRIE.

For the House:  
GEO. H. SAUMUR,  
ED. KRAUS,  
A. J. KAPAUN.

Senator Lowe moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Lowe moved that the President re-appoint the same conference committee to confer with a like committee from the House on House Bill No. 270.

Which motion prevailed.

The President reappointed on such conference committee Senators Strehlow, Lowe and Guthrie.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the report of the Conference Committee on House Bill No. 270 and the President has appointed as a Conference Committee, Senators Lowe, Guthrie and Strehlow.

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### REPORT OF STANDING COMMITTEES

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 55 have had the same under consideration and recommend that the same do pass, the veto of the Governor notwithstanding.

J. P. CAIN,  
Chairman.

Senator Cain moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Fredrickson requested that the Senate be on the 12th order of business, which request was granted.

Senator Fredrickson moved that Senate Bill No. 55 be approved notwithstanding the veto of the governor.

Senator McGillic moved, as a substitute motion, that the Senate do now recess for 10 minutes.

The Chair ruled that no motion for recess would be entertained.

Senator Owings moved, as a substitute motion, that further consideration of Senate Bill No. 55 be deferred ten minutes. Which motion prevailed.

#### REPORT OF STANDING COMMITTEES

The Committee on Judiciary made the following report:

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 56, have had the same under consideration and recommend that the same do pass, the veto of the Governor notwithstanding.

J. P. CAIN,  
Chairman.

Senator Cain moved that the report be adopted, which motion prevailed and the report was adopted.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to inform you that the Senate refuses to accede to the request of the House for the return of the original of Senate Bill No. 70.

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### REPORT OF SELECT COMMITTEES

The Conference Committee on Senate Bill No. 62 made the following report:

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 62, have had the same under consideration and report your committee is unable to agree and suggest that a new Conference Committee be appointed.

For the Senate:  
J. P. CAIN,  
GUST WOG,  
J. T. MCGILLIC.

For the House:  
JOE D. BYRNE,  
GUS A. SCHAUSS,  
THOS. A. WHITE.

Senator Cain moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Guthrie moved that a new conference committee be appointed on Senate Bill No. 62. Which motion prevailed.

The President appointed the following conference committee: Senators Fowler, McGillic and Whelan.

MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the report of the Conference Committee on Senate Bill No. 62 and the President has appointed as a new Conference Committee, Senators Fowler, McGillic and Whelan.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senator Fine moved that the Senate reconsider the vote by which House Bill No. 192 was indefinitely postponed, which motion was lost.

The Committee on Employment introduced Senate Resolution "S" providing for employment of stenographers to take care of correspondence, and complete reports and files; proof-reader to complete proofreading of last days journal; and postmaster to forward mail, immediately following the session, which was read from the desk.

Senator Whelan moved that the resolution be adopted.

ROLL CALL

The question being on the final adoption of Senate Resolution "S", the roll was called and there were ayes, 41; nays, 0; absent and not voting, 8.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Brostuen	Kamrath	Strehlow
Cain	Kolpin	Streibel
Coffey	Kroeber	Stucke
Drew	Lavik	Thatcher
Ettestad	Lemke	Thorson
Fine	Lian	Topp
Fowler	Lynn	Trout
Fredrickson	Magoffin	Vinje
Gilbertson	Morrison	Watt
Greene	Nelson, Barnes	Whelan
Gronvold	Nelson, Grand Fks.	Williams
Guenther	Olson	Wog
Guthrie	Owings	Young
Johnson	Skarvold	

Absent and not voting:

Messrs.	Messrs.	Messrs.
Aasen	Crandall	McGillic
Bilden	Hulteng	Mutchler
Blaisdell	Lowe	

So the resolution was adopted.

House Concurrent Resolution A-2 providing for remuneration of Joseph Coghlan for work done in enrolling and en-

grossing bills before the work was taken over by the House and Senate.

Was read from the desk.

Senator Strehlow moved that the rules be suspended and House Concurrent Resolution "A-2" be adopted.

#### ROLL CALL

The question being on the adoption of House Concurrent Resolution A-2, the roll was called and there were ayes, 39; nays, 0; absent and not voting, 10.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kolpin	Olson
Blaisdell	Kroeber	Owings
Brostuen	Lavik	Skarvold
Coffey	Lemke	Strehlow
Drew	Lian	Streibel
Ettestad	Lowe	Thatcher
Fredrickson	Lynn	Thorson
Gilbertson	Magoffin	Topp
Greene	McGillic	Vinje
Gronvold	Morrison	Whelan
Guenther	Mutchler	Williams
Johnson	Nelson, Barnes	Wog
Kamrath	Nelson, Grand Fks	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Bilden	Fowler	Stucke
Cain	Guthrie	Trout
Crandall	Hulteng	Watt
Fine		

So the resolution was adopted.

#### REPORT OF 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:

Senate Concurrent Resolution "H," Senate Bill No. 141, 153.

And find the same correctly engrossed.

WILLIAM KROEBER,  
Chairman.

Senator Kroeber moved that the report be adopted, which motion prevailed, and the report was adopted.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to inform you that the House has adopted the report of the Conference Committee on

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House Bill No. 46 and the Speaker has appointed as a new Conference Committee, House Members Beggs, Norheim and Thompson.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

MESSAGES TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the report of the Conference Committee on House Bill No. 59, also House Bill No. 360.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to return House Concurrent Resolution A-2.

Which the Senate has adopted.

Very respectfully,

THOMAS McDONALD,  
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 Senate Resolution "Z" and Senate Bills No. 30, 31, 32 and 104, and find the same correctly enrolled.

WM. KROEBER,  
Chairman.

Senator Kroeber moved that the report be adopted, which motion prevailed and the report was adopted.

MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bills:

Senate Bill No. 29. A Bill for an Act Making an Appropriation for Poor and Destitute Persons, Providing the Methods of Expenditure and Audit Thereof; Supervision and Inspection Therefor.

Also,

Senate Bill No. 222. A Bill for an Act Establishing and Defining the Powers and Duties of a State Soil Conservation Committee; Providing for the Creation of Soil Conservation Districts and Defining the Powers and Duties Thereof; Empowering Such Districts to Adopt Programs and Regulations in Connection With Land Use Practices; Providing for the Selection of District Supervisors; Providing for the Adoption of Land Use Regulations and Providing Penalty for Violation of the Same; Providing for Boards of Adjustment in Connection With Land Use Regulations; Providing for the Discontinuance of Districts; Making an Appropriation and Declaring an Emergency.

Also,

SENATE CONCURRENT RESOLUTION "A-3".

Also,

Senate Bill No. 66. A Bill for an Act to Regulate the Operation of Pharmacies, Require the Obtaining of Permit Therefor, Prescribing Certain Requirements with Respect Thereto, Providing for Rules and Regulations to Be Formulated by the North Dakota Board of Pharmacy; and Prescribing Penalties for Violation Thereof.

Which the President has signed and your signature is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign:

House Bill No. 239. A Bill for an Act to Amend and Re-enact Section 77 of Chapter 168, Session Laws of 1919 Which Also Appears as Section 3084a77 of the 1925 Supplement Governing Underground Coal Mining Near Boundary Lines and Including Therein Coal Mining Near State, County and Township Highways.

Also,

House Bill No. 168. A Bill for an Act to Amend and Re-enact Chapter 229 of the 1933 Session Laws of the State of North Dakota, as Amended by Chapter 260 of the Session Laws of 1935; to Provide for the Distribution of the Same Upon the Basis of Need, in the Payment of High School Tuition in Lieu of That Now Provided by Law and in the Payment of Direct Aid to School Districts Upon a Teacher-Unit Basis; and to Provide Methods for the Ascertainment and Payment of the Sums Payable to School Districts; and to Provide for Penalty for Making False Report; Repeal of All Acts in Conflict Herewith.



Also,

House Bill No. 126. A Bill for an Act to Provide for the Transfer of All Moneys Derived From Special Taxes on Motor Vehicle Transportation, Which Are Now Remaining Inactive in Special Funds to the Department of State Highways. Repealing All Acts or Parts of Acts in Conflict Herewith and Declaring an Emergency.

Also,

House Bill No. 334. A Bill for an Act Authorizing the Exchange of Coupon Bonds for Register Bonds of the State of North Dakota.

Also,

House Bill No. 78. A Bill for an Act Providing for the Registration of Public Contractors, and Defining the Term Public Contractor; Providing the Requirements and Method of Obtaining a License to Engage in the Business of Public Contracting in the State of North Dakota; Classifying and Fixing the Fee for Such License; Providing the Method of Suspension, Cancellation and Reinstatement Thereof; Providing Added Requirements in Bond of Foreign Contractor; Prescribing Penalties for the Violation of This Act; and Repealing All Acts or Parts of Acts in Conflict With the Provisions Hereof, and Declaring an Emergency.

And the President signed the same in the presence of the Senate.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to return herewith the following bills:

House Bill No. 239. A Bill for an Act to Amend and Re-enact Section 77 of Chapter 168, Session Laws of 1919 Which Also Appears as Section 3084a77 of the 1925 Supplement Governing Underground Coal Mining Near Boundary Lines and Including Therein Coal Mining Near State, County and Township Highways.

Also,

House Bill No. 168. A Bill for an Act to Amend and Re-enact Chapter 229 of the 1933 Session Laws of the State of North Dakota, as Amended by Chapter 260 of the Session Laws of 1935; to Provide for the Distribution of the Same Upon the Basis of Need, in the Payment of High School Tuition in Lieu of That Now Provided by Law and in the Payment of Direct Aid to School Districts Upon a Teacher-Unit Basis; and to Provide Methods for the Ascertainment and Payment of the Sums Payable to School Districts; and to Provide for Penalty for Making False Report; Repeal of All Acts in Conflict Herewith.

Also,

House Bill No. 126. A Bill for an Act to Provide for the Transfer of All Moneys Derived From Special Taxes on Motor Vehicle Transportation, Which Are Now Remaining Inactive in Special Funds to the Department of State Highways, Repealing All Acts or Parts of Acts in Conflict Here-with and Declaring an Emergency.

Also,

House Bill No. 334. A Bill for an Act Authorizing the Exchange of Coupon Books for Register Bonds of the State of North Dakota.

Also:

House Bill No. 78. A Bill for an Act Providing for the Registration of Public Contractors, and Defining the Term Public Contractor; Providing the Requirements and Method of Obtaining a License to Engage in the Business of Public Contracting in the State of North Dakota; Classifying and Fixing the Fee for Such License; Providing the Method of Suspension, Cancellation and Reinstatement Thereof; Providing Added Requirements in Bond of Foreign Contractor; Prescribing Penalties for the Violation of This Act; and Repealing All Acts or Parts of Acts in Conflict With the Provisions Hereof, and Declaring an Emergency.

Which the President has signed.

Very respectfully,

THOMAS McDONALD,  
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 Bills No. 42, 243, 128, 40, 74, 68, 255, 132, 113, 101, 85, 20, 11, 187, 194, 142, 175, 124, 177, 157, 208, 226, 246, 99, 180, 248, 253, 75, 110, 118, 140 and 17, were delivered to the Governor for his approval at the hour of 11:10 p. m., March 5, 1937.

WM. KROEBER,  
Chairman.

#### 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 Bills No. 114, 151

and 98 were delivered to the Governor for his approval at the hour of 11:00 p. m., March 5, 1937.

WM. KROEBER,  
Chairman.

#### MESSAGES FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to return herewith the following bill:

Senate Bill No. 247 which was amended to read as the original bill was introduced in the Senate.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to request the return of Senate Bill No. 24.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### MESSAGE TO THE SENATE

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to transmit herewith the following bills:

House Bill No. 247. A Bill for an Act to Amend and Re-enact Section Six (6) of That Certain Initiated Law Adopted by the Voters of the State of North Dakota at the Special Election Held September 22, 1933, Entitled as Follows: "An Act Defining and Providing for the Manufacture, Sale and Distribution of Beer, Providing Revenue Therefrom, and Licenses Therefor, Prohibiting the Transfer of Licenses, Excluding Certain Persons from the Right to Purchase the Same, Appointing a State Beer Commissioner and Defining His Powers, Duties, and Salary; Authorizing Cities, Villages and County Commissioners to Provide a Local Tax and Prescribe Rules and Regulations Under Which Beer May Be Sold and Authorizing Municipalities to Provide Penalties for Violation of Their Regulations; Providing for the Administrative Expense of This Act; Making it Unlawful for Any Person to Engage in the Manufacture or Sale of Beer Without First Obtaining a License Therefor; Providing a

Penalty for the Violation of the Provision Thereof; Providing for a Saving Clause as to Constitutionality; and Repealing All Acts or Parts of Acts in Conflict With This Act, and Making an Appropriation to Carry Out the Provisions Hereof," and Declaring an Emergency.

Also,

House Bill No. 217. A Bill for an Act Relating to Foreign Corporations; Providing for Their Admission to Transact Business in This State; for Their Withdrawal from This State; for the Revocation of Their Authority to Transact Business in This State; for Payment by Them of Certain License Fees; for Filing by Them of Annual Reports; for Appointment by Them of Resident Agents for Service of Process; for Service of Process on Foreign Corporations; for Penalties and Liabilities for Violations of This Act; for Filing and Recording of Certificates of Authority Issued Pursuant to This Act, and Their Effect as Evidence; for Payment by Foreign Corporations of Certain Fees to the Secretary of State and to Registers of Deeds; for Application of This Act to Foreign Corporations Heretofore Authorized to Transact Business in This State; Repealing Sections 5240, 5241 and 5242 of the Compiled Laws of North Dakota of 1913; Sections 5238a1, 5238a2 and 5239 of the 1925 Supplement to the Compiled Laws of North Dakota of 1913; and Section 5238 of the 1925 Supplement to the Compiled Laws of North Dakota of 1913, as Amended and Re-enacted by Chapter 99 of the Session Laws of North Dakota of 1929, and All Acts or Parts of Acts in so far as They Conflict Herewith.

Also,

House Bill No. 336. A Bill for an Act Providing for the Election of Party Precinct Committeemen for a Term of Two Years, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Also,

House Bill No. 341. A Bill for an Act to Establish a Mouse River Valley Authority, and to Fix Its Powers and Duties.

Also,

House Bill No. 59. A Bill for an Act Permitting the Board of County Commissioners to Adjust Real Estate Taxes Levied or Assessed Against Property Within Their County Delinquent Prior to December 1, 1936. Permitting Payments in Six Installments. Providing Manner of Payments. Suspending Operation of Law and Collection of Delinquent Taxes. Permitting Suit by Civil Action and Declaring an Emergency.

Also,

House Bill No. 150. A Bill for an Act to Amend and Re-enact Section 5, of Chapter 166, of the 1929 Session Laws of the State of North Dakota, Relating to Tax on Motor

Fuels and for the Distribution of the Revenues Derived from Said Tax.

Also,

House Bill No. 252. A Bill for an Act Providing for the Payment to a Retail Implement Dealer or Truck Dealer of Certain Sums for all Stock of Farming Implements and Repairs for Farm Implements and Automobiles or Trucks or Parts Therefor Upon the Cancellation or Discontinuation of Any Contract Between Such Retail Implement Dealer and the Manufacturer, Wholesaler, or Distributor of Farm Implements, Machinery and Repair Parts for Farm Implements and Farm Machinery, or Automobiles or Trucks or Repair Parts for Automobiles or Trucks.

Which the Speaker has signed and your signature is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to transmit herewith the following resolutions:

HOUSE CONCURRENT RESOLUTION A-2, also HOUSE RESOLUTION B-2.

Which the Speaker has signed and your signature is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

Senator Whelan requested that the Senate return to the 7th Order of Business, which request was granted.

Senator Whelan moved that the report of the subcommittee on taxes and tax laws, as printed in yesterday's Journal, be adopted. Which motion prevailed.

Senator Cain moved that the Senate concur in the House amendments to Senate Bill No. 247 which motion prevailed.

Senator Cain moved that the rules be suspended and Senate Bill No. 247 be considered properly re-engrossed, and placed upon Second Reading and Final Passage, as amended, which motion prevailed.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 247. A Bill for an Act Making an Appropriation for Payment of a Deficit in the Amount Appropriated for Payment of Per Diem of Employees of

Twenty-Fifth Legislative Assembly, 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, 40; nays, 0; absent and not voting, 9.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Olson
Bilden	Kamrath	Owings
Blaisdell	Kolpin	Skarvold
Brostuen	Kroeber	Strehlow
Cain	Lavik	Stucke
Coffey	Lemke	Thatcher
Crandall	Lian	Thorson
Drew	Lynn	Trout
Fowler	Magoffin	Vinje
Fredrickson	Morrison	Watt
Greene	Mutchler	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie		

Absent and not voting:

Messrs.	Messrs.	Messrs.
Ettestad	Hulteng	Streibel
Fine	Lowe	Topp
Gilbertson	McGillic	Young

So the bill passed, the title was agreed to, and the emergency clause was declared carried.

Senator Cain moved that the vote by which Senate Bill No. 247 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to inform you that the Senate has concurred in the House amendment to Senate Bill No. 247.

Very respectfully,

THOMAS McDONALD,  
Secretary.

### REPORT OF SELECT COMMITTEES

The Conference Committee on Senate Bill No. 62 made the following report:

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 62, have had the same under consideration and report your committee is unable to agree and suggest that a new Conference Committee be appointed.

For the Senate:  
TOM WHELAN,  
J. T. MCGILLIC,  
A. W. FOWLER.

For the House:  
JOE D. BYRNE,  
R. W. FRAZIER,  
THOS. A. WHITE.

Senator Whelan moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Kroeber moved that further consideration of Senate Bill No. 62 be indefinitely postponed, which motion lost.

Senator McGillic moved that Senators Ettetstad, Young and Guthrie be appointed as a conference committee to confer with a like committee from the House on Senate Bill No. 62.

Senator Whelan moved, as a substitute motion, that the Chair follow the usual custom, and appoint such conference committee. Which motion prevailed.

The President appointed the following Conference Committee on Senate Bill No. 62: Senators Watt, Kroeber and Lowe.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the report of the Conference Committee on Senate Bill No. 62 and the President has appointed as a new Conference Committee, Senators Lowe, Watt and Kroeber.

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to inform you that the House has adopted the report of the Conference Committee on House Bill No. 40, also 46.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

## REPORT OF SELECT COMMITTEES

The Conference Committee on House Bill No. 40 made the following report:

Mr. President: Your Conference Committee to whom was referred House Bill No. 40, have had the same under consideration and recommend:

In Line 3 of the printed bill strike out the Senate Amendments "\$268,071" and further amend it by making the figures "\$270,571.00."

In Line 47 under "Miscellaneous Items" we accede to the Senate amendments and further amend it by adding the following words, "and broadcasting." Strike out the figures "\$10,000.00" and insert in lieu thereof the figures "\$12,500."

In Line 48 correct the total by striking out the figures "\$268,071.00" and inserting in lieu thereof the figures "\$270,571.00."

For the Senate:  
WM. WATT,  
MILTON R. YOUNG,  
J. P. CAIN.

For the House:  
PAUL A. SAND,  
HENRY LEUM,  
OLE B. STRAY.

Senator Watt moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Watt moved that the rules be suspended and House Bill No. 40 be considered properly re-engrossed, and placed upon Second Reading and Final Passage as amended, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 40. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Penitentiary.

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, 41; nays, 1; absent and not voting, 7.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kolpin	Skarvold
Bilden	Kroeber	Streibel
Blaisdell	Lavik	Stucke
Brostuen	Lemke	Thatcher
Cain	Lian	Thorson



Messrs.	Messrs.	Messrs.
Crandall	Lowe	Topp
Drew	Lynn	Trout
Ettestad	Magoffin	Vinje
Fowler	Morrison	Watt
Gronvold	Mutchler	Whelan
Guenther	Nelson, Barnes	Williams
Guthrie	Nelson, Grand Fks.	Wog
Johnson	Olson	Young
Kamrath	Owings	

Those voting in the negative were:

Messrs.  
Greene

Absent and not voting:

Messrs.	Messrs.	Messrs.
Coffey	Gilbertson	McGillic
Fine	Hulteng	Strehlow
Fredrickson		

So the bill passed and the title was agreed to.

Senator Watt moved that the vote by which House Bill No. 40 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

#### REPORT OF SELECT COMMITTEES

The Conference Committee on House Bill No. 46 made the following report:

Mr. President: Your Conference Committee to whom was referred House Bill No. 46, have had the same under consideration and recommend that the Senate approve the House amendments and that the bill be further amended by inserting "88½" following the figures "88" on page 5, subdivision 7, and add the following language: "Deficiency in the printing account for the Twenty-Fourth Legislative Assembly \$10,000" and change the totals to correspond.

For the Senate:  
J. P. CAIN,  
G. W. KOLPIN,  
J. C. BLAISDELL, Jr.

For the House:  
ARLO E. BEGGS,  
J. M. THOMPSON,  
L. O. NORHEIM.

Senator Cain moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Cain moved that the rules be suspended and House Bill No. 46 be considered properly re-engrossed and placed upon second reading and final passage as amended, which motion prevailed.

House Bill No. 46. A Bill for an Act to Appropriate Money for the Expenses of the Executive, Legislative and Judicial Departments of the State Government, and for Public Schools, Specifying the Amount and Time for Which Such Appropriations Shall Be Available, and Repealing All Acts, or Parts of Acts, Insofar as the Same Shall Relate to Appropriations Conflicting Herewith or to Appropriations for the Same Matters or Purposes Provided for Herein.

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, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Johnson	Owings
Bilden	Kamrath	Skarvold
Blaisdell	Kolpin	Strehlow
Brostuen	Kroeber	Streibel
Cain	Lavik	Stucke
Crandall	Lemke	Thatcher
Drew	Lian	Thorson
Ettestad	Lowe	Topp
Fowler	Lynn	Trout
Fredrickson	Magoffin	Vinje
Gilbertson	Morrison	Watt
Greene	Mutchler	Whelan
Gronvold	Nelson, Barnes	Williams
Guenther	Nelson, Grand Fks.	Wog
Guthrie	Olson	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Coffey	Hulteng	McGillic
Fine		

So the bill passed, the title was agreed to, and the emergency clause was declared carried.

Senator Cain moved that the vote by which House Bill No. 46 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

### REPORT OF SELECT COMMITTEES

The Conference Committee on House Bill No. 270 made the following report:

Mr. President: Your Conference Committee to whom was referred House Bill No. 270, have had the same under con-

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sideration and beg leave to report that we cannot agree and the committee be discharged.

For the Senate:  
WM. J. LOWE,  
JAMES H. GUTHRIE,  
MAX H. STREHLOW.

For the House:  
VAL P. WOLF,  
A. C. JOHNSON,  
C W. BIELOH.

Senator Lowe moved that the report be adopted, which motion prevailed and the report was adopted.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the report of the Conference Committee on House Bills No. 40 and 46.

Very respectfully,

THOMAS McDONALD,  
Secretary.

Senator Wog moved that the Senate do not accede to the request of the House for the return of Senate Bill No. 24, which motion prevailed.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to inform you that the Senate has refused to accede to the request of the House for the return of Senate Bill No. 24.

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to inform you that the House has adopted the report of the Conference Committee on Senate Bill No. 62 and the Speaker has appointed as a new

Conference Committee, House Members Byrne, White and Frazier.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

A letter from Mrs. K. A. Griffin and Emmett W. Griffin expressing appreciation for patronage extended, was read from the desk. Senator Whelan moved that the communication be printed in the Journal, which motion prevailed.

Bismarck, N. D.,  
March 5, 1937.

To the Members and Employees of the Senate,  
Twenty-Fifth Legislative Assembly.

Gentlemen:

We wish to thank you for the patronage shown up during the session just closing and extend to you our best wishes for the year 1937.

Yours truly,

MRS. K. A. GRIFFIN,  
EMMETT W. GRIFFIN.

Senator Watt introduced Senate Resolution "T", extending appreciation to Senator F. T. Gronvold for his services to the state.

Senator Cain moved that the resolution be adopted and printed in the journal, which motion prevailed.

#### SENATE RESOLUTION "T"

Introduced by Senator Watt

WHEREAS, Hon. F. T. Gronvold served as a member of the House of Representatives in the sessions of 1899 and 1901; and

WHEREAS, F. T. Gronvold served as a member of the Senate from the forty-second legislative district in the sessions of 1909, 1911, 1913, 1915, 1917, 1931, 1933, 1935 and 1937; and

WHEREAS, those who served with him as members of the legislature and those who have known him during his long residence and legislative service to the State of North Dakota, recognize his ability as a statesman, his honesty and strength of character; and

WHEREAS, the faithful service he has rendered the state is appreciated by the citizens thereof and by all those who have had occasion to come in contact with him; and

WHEREAS, he holds a high place in the memory of all those who have known him during such legislative service.

THEREFORE, BE IT RESOLVED, by the Senate of the State of North Dakota that it extend to F. T. Gronvold its thanks and appreciation for the services he has rendered to his state.

Senator Cain: I did not learn until today that our good friend, Senator Gronvold, was a member of the North Dakota legislature in 1899, but learning of that fact I can now appreciate why he was in a position about eight years ago, when I became a member of the Senate, to direct me and tell me what motions could be made and what motions could not be made and generally how the affairs of the Senate should be run. Because as we look back now, especially those who have had an opportunity of examining the laws of that first legislature, the early laws of this state, and find what valuable enactments the legislature passed in those days, it is easy now to learn why a resolution such as this could be written about Senator Gronvold. The only thing I am hesitant about at all is that stronger language as to his honesty, uprightness and character could not be written into the resolution.

Senator Ettestad moved that Senator Gronvold be elected President pro tem until the close of the session, which motion prevailed.

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign:

House Bill No. 247. A Bill for an Act to Amend and Re-enact Section Six (6) of That Certain Initiated Law Adopted by the Voters of the State of North Dakota at the Special Election Held September 22, 1933, Entitled as Follows: "An Act Defining and Providing for the Manufacture, Sale and Distribution of Beer, Providing Revenue Therefrom, and Licenses Therefor, Prohibiting the Transfer of Licenses, Excluding Certain Persons from the Right to Purchase the Same, Appointing a State Beer Commissioner and Defining His Powers, Duties, and Salary; Authorizing Cities, Villages and County Commissioners to Provide a Local Tax and Prescribe Rules and Regulations Under Which Beer May Be Sold and Authorizing Municipalities to Provide Penalties for Violation of Their Regulations; Providing for the Administrative Expense of This Act; Making it Unlawful for Any Person to Engage in the Manufacture or Sale of Beer Without First Obtaining a License Therefor; Providing a Penalty for the Violation of the Provision Thereof; Providing for a Saving Clause as to Constitutionality; and Repealing All Acts or Parts of Acts in Conflict With This Act, and Making an Appropriation to Carry Out the Provisions Hereof," and Declaring an Emergency.

Also,

House Bill No. 217. A Bill for an Act Relating to Foreign Corporations; Providing for Their Admission to Transact Business in This State; for Their Withdrawal from This State; for the Revocation of Their Authority to Transact Business in This State; for Payment by Them of Certain License Fees; for Filing by Them of Annual Reports; for

Appointment by Them of Resident Agents for Service of Process; for Service of Process on Foreign Corporations; for Penalties and Liabilities for Violations of This Act; for Filing and Recording of Certificates of Authority Issued Pursuant to This Act, and Their Effect as Evidence; for Payment by Foreign Corporations of Certain Fees to the Secretary of State and to Registers of Deeds; for Application of This Act to Foreign Corporations Heretofore Authorized to Transact Business in This State; Repealing Sections 5240, 5241 and 5242 of the Compiled Laws of North Dakota of 1913; Sections 5238a1, 5238a2 and 5239 of the 1925 Supplement to the Compiled Laws of North Dakota of 1913; and Section 5238 of the 1925 Supplement to the Compiled Laws of North Dakota of 1913, as Amended and Re-enacted by Chapter 99 of the Session Laws of North Dakota of 1929, and All Acts or Parts of Acts in so far as They Conflict Herewith.

Also,

House Bill No. 341. A Bill for an Act to Establish a Mouse River Valley Authority, and to Fix Its Powers and Duties.

Also,

House Bill No. 336. A Bill for an Act Providing for the Election of Party Precinct Committeemen for a Term of Two Years, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Also,

House Bill No. 59. A Bill for an Act Permitting the Board of County Commissioners to Adjust Real Estate Taxes Levied or Assessed Against Property Within Their County Delinquent Prior to December 1, 1936. Permitting Payments in Six Installments. Providing Manner of Payments. Suspending Operation of Law and Collection of Delinquent Taxes. Permitting Suit by Civil Action and Declaring an Emergency.

Also,

House Bill No. 150. A Bill for an Act to Amend and Re-enact Section 5, of Chapter 166, of the 1929 Session Laws of the State of North Dakota, Relating to Tax on Motor Fuels and for the Distribution of the Revenues Derived from Said Tax.

Also,

House Bill No. 252. A Bill for an Act Providing for the Payment to a Retail Implement Dealer or Truck Dealer of Certain Sums for all Stock of Farming Implements and Repairs for Farm Implements and Automobiles or Trucks or Parts Therefor Upon the Cancellation or Discontinuation of Any Contract Between Such Retail Implement Dealer and the Manufacturer, Wholesaler, or Distributor of Farm Implements, Machinery and Repair Parts for Farm Implements and Farm Machinery, or Automobiles or Trucks or Repair Parts for Automobiles or Trucks.

Also,

HOUSE RESOLUTION B-2.

Also,

HOUSE CONCURRENT RESOLUTION A-2.

Also,

Senate Bill No. 32. A Bill for an Act Making an Appropriation for St. John's Orphanage of Fargo, North Dakota, Providing the Methods of Expenditure and Audit Thereof; Supervision and Inspection Thereof.

Also,

Senate Bill No. 31. A Bill for an Act Making an Appropriation for Poor and Destitute Persons, Providing the Method of Expenditure and Audit Thereof; Supervision and Inspection Therefor.

Also,

Senate Bill No. 30. A Bill for an Act Making an Appropriation for the North Dakota Children's Home and Aid Society of Fargo, North Dakota, Providing the Methods of Expenditure, and Audit Thereof; Supervision and Inspection Therefor.

Also,

Senate Bill No. 104. A Bill for an Act Making an Appropriation for the Evangelical Lutheran Good Samaritan Society at Fargo, North Dakota, for the Care and Education of Crippled Children.

And the President signed the same in the presence of the Senate.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to return herewith the following bills:

House Bill No. 247. A Bill for an Act to Amend and Re-enact Section Six (6) of That Certain Initiated Law Adopted by the Voters of the State of North Dakota at the Special Election Held September 22, 1933, Entitled as Follows: "An Act Defining and Providing for the Manufacture, Sale and Distribution of Beer, Providing Revenue Therefrom, and Licenses Therefor, Prohibiting the Transfer of Licenses, Excluding Certain Persons from the Right to Purchase the Same, Appointing a State Beer Commissioner and Defining His Powers, Duties, and Salary; Authorizing Cities, Villages and County Commissioners to Provide a Local Tax and Prescribe Rules and Regulations Under Which Beer May Be Sold and Authorizing Municipalities to Provide Penalties

for Violation of Their Regulations; Providing for the Administrative Expense of This Act; Making it Unlawful for Any Person to Engage in the Manufacture or Sale of Beer Without First Obtaining a License Therefor; Providing a Penalty for the Violation of the Provision Thereof; Providing for a Saving Clause as to Constitutionality; and Repealing All Acts or Parts of Acts in Conflict With This Act, and Making an Appropriation to Carry Out the Provisions Hereof," and Declaring an Emergency.

Also,

HOUSE CONCURRENT RESOLUTION A-2.

Also,

HOUSE RESOLUTION B-2

Also,

House Bill No. 217. A Bill for an Act Relating to Foreign Corporations; Providing for Their Admission to Transact Business in This State; for Their Withdrawal from This State; for the Revocation of Their Authority to Transact Business in This State; for Payment by Them of Certain License Fees; for Filing by Them of Annual Reports; for Appointment by Them of Resident Agents for Service of Process; for Service of Process on Foreign Corporations; for Penalties and Liabilities for Violations of This Act; for Filing and Recording of Certificates of Authority Issued Pursuant to This Act, and Their Effect as Evidence; for Payment by Foreign Corporations of Certain Fees to the Secretary of State and to Registers of Deeds; for Application of This Act to Foreign Corporations Heretofore Authorized to Transact Business in This State; Repealing Sections 5240, 5241 and 5242 of the Compiled Laws of North Dakota of 1913; Sections 5238a1, 5238a2 and 5239 of the 1925 Supplement to the Compiled Laws of North Dakota of 1913; and Section 5238 of the 1925 Supplement to the Compiled Laws of North Dakota of 1913, as Amended and Re-enacted by Chapter 99 of the Session Laws of North Dakota of 1929, and All Acts or Parts of Acts in so far as They Conflict Herewith.

Also,

House Bill No. 341. A Bill for an Act to Establish a Mouse River Valley Authority, and to Fix Its Powers and Duties.

Also,

House Bill No. 336. A Bill for an Act Providing for the Election of Party Precinct Committeemen for a Term of Two Years, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Also,

House Bill No. 59. A Bill for an Act Permitting the Board of County Commissioners to Adjust Real Estate Taxes Levied or Assessed Against Property Within Their County Delinquent Prior to December 1, 1936. Permitting Pay-



ments in Six Installments. Providing Manner of Payments. Suspending Operation of Law and Collection of Delinquent Taxes. Permitting Suit by Civil Action and Declaring an Emergency.

Also,

House Bill No. 150. A Bill for an Act to Amend and Re-enact Section 5, of Chapter 166, of the 1929 Session Laws of the State of North Dakota, Relating to Tax on Motor Fuels and for the Distribution of the Revenues Derived from Said Tax.

Also,

House Bill No. 252. A Bill for an Act Providing for the Payment to a Retail Implement Dealer or Truck Dealer of Certain Sums for all Stock of Farming Implements and Repairs for Farm Implements and Automobiles or Trucks or Parts Therefor Upon the Cancellation or Discontinuation of Any Contract Between Such Retail Implement Dealer and the Manufacturer, Wholesaler, or Distributor of Farm Implements, Machinery and Repair Parts for Farm Implements and Farm Machinery, or Automobiles or Trucks or Repair Parts for Automobiles or Trucks.

Which the President has signed.

Senate Bill No. 32. A Bill for an Act Making an Appropriation for St. John's Orphanage of Fargo, North Dakota, Providing the Methods of Expenditure and Audit Thereof; Supervision and Inspection Thereof.

Also,

Senate Bill No. 31. A Bill for an Act Making an Appropriation for Poor and Destitute Persons, Providing the Method of Expenditure and Audit Thereof; Supervision and Inspection Therefor.

Also,

Senate Bill No. 30. A Bill for an Act Making an Appropriation for the North Dakota Children's Home and Aid Society of Fargo, North Dakota, Providing the Methods of Expenditure, and Audit Thereof; Supervision and Inspection Therefor.

Also,

Senate Bill No. 104. A Bill for an Act Making an Appropriation for the Evangelical Lutheran Good Samaritan Society at Fargo, North Dakota, for the Care and Education of Crippled Children.

Which the President has signed and your signature is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

SENATE COMMITTEE ON ENROLLMENT AND  
ENGROSSMENT

The Committee on Enrollment and Engrossment made the following report:

Mr. President: Your Committee on Enrollment and En-

grossment respectfully report that they have examined the following:

Senate Resolution "S", Senate Bills No. 247, 81.

And find the same correctly enrolled.

WM. KROEBER,  
Chairman.

Senator Kroeber moved that the report be adopted, which motion prevailed, and the report was adopted.

#### MESSAGES TO THE SENATE

House of Representatives,  
Bismarck, North Dakota  
March 5, 1937.

Mr. President: I have the honor to transmit herewith the following bills:

House Bill No. 360. A Bill for an Act to Amend and Re-enact Section 6 of Chapter 172 of the Session Laws of North Dakota for the Year 1935, Being an Act to Impose a Tax Upon the Sale of Motor Vehicle Fuels; Providing for the Collection of Said Tax, for Reports of Sales of Such Motor Fuels, and for the Disposition of the Revenue Derived Therefrom; Providing for the Licensing and Bonding of Dealers in Motor Vehicle Fuels and the Revocation of Such License; Regulating the Sale of Such Fuels and Fixing Penalties for the Violation of This Act. Repealing All Acts or Parts of Acts in Conflict With the Provisions of This Act.

Which the Speaker has signed and your signature is respectfully requested.

Also,

Senate Bill No. 32. A Bill for an Act Making an Appropriation for St. John's Orphanage of Fargo, North Dakota, Providing the Methods of Expenditure and Audit Thereof; Supervision and Inspection Thereof.

Also,

Senate Bill No. 31. A Bill for an Act Making an Appropriation for Poor and Destitute Persons, Providing the Method of Expenditure and Audit Thereof; Supervision and Inspection Thereof:

Also,

Senate Bill No. 30. A Bill for an Act Making an Appropriation for the North Dakota Children's Home and Aid Society of Fargo, North Dakota, Providing the Methods of Expenditure, and Audit Thereof; Supervision and Inspection Thereof.

Also,

Senate Bill No. 104. A Bill for an Act Making an Appropriation for the Evangelical Lutheran Good Samaritan Society at Fargo, North Dakota, for the Care and Education of Crippled Children.

Which the Speaker has signed.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to return herewith the following bills:

Senate Bill No. 66. A Bill for an Act to Regulate the Operation of Pharmacies, Require the Obtaining of Permit Therefor, Prescribing Certain Requirements with Respect Thereto, Providing for Rules and Regulations to Be Formulated by the North Dakota Board of Pharmacy; and Prescribing Penalties for Violation Thereof.

Also,

Senate Bill No. 29. A Bill for an Act Making an Appropriation for Poor and Destitute Persons, Providing the Methods of Expenditure and Audit Thereof; Supervision and Inspection Therefor.

Also,

Senate Bill No. 222. A Bill for an Act Establishing and Defining the Powers and Duties of a State Soil Conservation Committee; Providing for the Creation of Soil Conservation Districts and Defining the Powers and Duties Thereof; Empowering Such Districts to Adopt Programs and Regulations in Connection With Land Use Practices; Providing for the Selection of District Supervisors; Providing for the Adoption of Land Use Regulations and Providing Penalty for Violation of the Same; Providing for Boards of Adjustment in Connection with Land Use Regulations; Providing for the Discontinuance of Districts; Making an Appropriation and Declaring an Emergency.

Also,

SENATE CONCURRENT RESOLUTION A-3.

Which the Speaker has signed and your signature is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.  
House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr President: I have the honor to inform you that the House has adopted the report of the Conference Committee on House Bill No. 360.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

SIGNING OF BILLS

The Secretary announced that the President was about to sign:

SENATE CONCURRENT RESOLUTION "H"

Also,

Senate Bill No. 141. A Bill for an Act to Promote the Public Welfare by Providing for Public Assistance to Aged Persons in Need.

Also,

Senate Bill No. 153. A Bill for an Act to Prevent Fraud and Deception in the Sale of Livestock Medicines; Providing for the Registration and Labeling of Livestock Medicines; Authorizing Rules and Regulations for the Administration of this Act; Prescribing the Method of Revocation of Such Registration and Prescribing a Penalty for the Violation Thereof.

Also,

Senate Bill No. 247. A Bill for an Act Making an Appropriation for Payment of a Deficit in the Amount Appropriated for Payment of Per Diem of Employees of Twenty-fifth Legislative Assembly, and Declaring an Emergency.

Also,

Senate Bill No. 81. A Bill for an Act Making an Appropriation for the Lutheran Welfare Society of North Dakota, Providing the Methods of Expenditure and Audit Thereof; Supervision and Inspection Therefor.

Also,

SENATE CONCURRENT RESOLUTION A-3.

Also,

House Bill No. 360. A Bill for an Act to Amend and Re-enact Section 6 of Chapter 172 of the Session Laws of North Dakota for the Year 1935, Being an Act to Impose a Tax Upon the Sale of Motor Vehicle Fuels; Providing for the Collection of Said Tax, for Reports of Sales of Such Motor Fuels, and for the Disposition of the Revenue Derived Therefrom; Providing for the Licensing and Bonding of Dealers in Motor Vehicle Fuels and the Revocation of Such License; Regulating the Sale of Such Fuels and Fixing Penalties for the Violation of This Act. Repealing All Acts or Parts of Acts in Conflict With the Provisions of This Act.

And the President signed the same in the presence of the Senate

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to transmit herewith the following:

Also,

SENATE CONCURRENT RESOLUTION "H"

Also,

SENATE CONCURRENT RESOLUTION A-3.

Also,

Senate Bill No. 141. A Bill for an Act to Promote the Public Welfare by Providing for Public Assistance to Aged Persons in Need.

Also,

Senate Bill No. 153. A Bill for an Act to Prevent Fraud and Deception in the Sale of Livestock Medicines; Providing for the Registration and Labeling of Livestock Medicines; Authorizing Rules and Regulations for the Administration of this Act; Prescribing the Method of Revocation of Such Registration and Prescribing a Penalty for the Violation Thereof.

Also,

Senate Bill No. 247. A Bill for an Act Making an Appropriation for Payment of a Deficit in the Amount Appropriated for Payment of Per Diem of Employees of Twenty-fifth Legislative Assembly, and Declaring an Emergency.

Also,

Senate Bill No. 81. A Bill for an Act Making an Appropriation for the Lutheran Welfare Society of North Dakota, Providing the Methods of Expenditure and Audit Thereof; Supervision and Inspection Therefor.

Also,

Senate Bill No. 29. A Bill for an Act Making an Appropriation for Poor and Destitute Persons, Providing the Methods of Expenditure and Audit Thereof; Supervision and Inspection Therefor.

Also,

Senate Bill No. 66. A Bill for an Act to Regulate the Operation of Pharmacies, Require the Obtaining of Permit Therefor, Prescribing Certain Requirements with Respect Thereto, Providing for Rules and Regulations to Be Formulated by the North Dakota Board of Pharmacy; and Prescribing Penalties for Violation Thereof.

Which the President has signed and your signature is respectfully requested.

Also, I return herewith:

House Bill No. 360. A Bill for an Act to Amend and Re-enact Section 6 of Chapter 172 of the Session Laws of North Dakota for the Year 1935, Being an Act to Impose a Tax Upon the Sale of Motor Vehicle Fuels; Providing for the Collection of Said Tax, for Reports of Sales of Such Motor Fuels, and for the Disposition of the Revenue Derived Therefrom; Providing for the Licensing and Bonding of Dealers in Motor Vehicle Fuels and the Revocation of Such License; Regulating the Sale of Such Fuels and Fixing Penalties for the Violation of This Act. Repealing All Acts or Parts of Acts in Conflict With the Provisions of This Act.

Which the President has signed and your signature is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
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:

Senate Bill No. 80, Senate Resolution "T".

And find the same correctly enrolled.

WM. KROEBER,  
Chairman.

Senator Kroeber 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. 80. A Bill for an Act to Equalize Taxation and Replace in Part the Tax on Property; to Provide the Public Revenue to Be Used by Such Replacement by Imposing a Tax on the Gross Receipts from Retail Sales as Defined Herein; to Provide for the Collection of Such Tax, the Distribution and Use of the Revenue Derived Therefrom, and the Administration of Said Law; to Provide for Certain Deductions and Exemptions; Establishing a Lien for the Payment of Such Tax; to Fix Fines and Penalties for the Violation of the Provisions of This Act; to Repeal all Laws or Parts of Laws in Conflict Herewith and Declaring an Emergency.

And the President signed the same in the presence of the Senate.

MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bill:

Senate Bill No. 80. A Bill for an Act to Equalize Taxation and Replace in Part the Tax on Property; to Provide the Public Revenue to Be Used by Such Replacement by Imposing a Tax on the Gross Receipts from Retail Sales as Defined Herein; to Provide for the Collection of Such Tax, the Distribution and Use of the Revenue Derived Therefrom, and the Administration of Said Law; to Provide for Certain Deductions and Exemptions; Establishing a Lien for the Payment of Such Tax; to Fix Fines and Penalties for the Violation of the Provisions of This Act; to Repeal all Laws or Parts of Laws in Conflict Herewith and Declaring an Emergency.

Which the President has signed and your signature is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
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 Bills No. 222, 104, 30, 31 and 32 were delivered to the Governor for his approval at the hour of 10:50 P. M., March 5, 1937.

WM. KROEBER,  
Chairman.

## MESSAGE TO THE SENATE

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to return herewith the following:

## SENATE CONCURRENT RESOLUTION "A-3".

Also,

Senate Bill No. 66. A Bill for an Act to Regulate the Operation of Pharmacies, Require the Obtaining of Permit Therefor, Prescribing Certain Requirements with Respect Thereto, Providing for Rules and Regulations to Be Formulated by the North Dakota Board of Pharmacy; and Prescribing Penalties for Violation Thereof.

Also,

Senate Bill No. 80. A Bill for an Act to Equalize Taxation and Replace in Part the Tax on Property; to Provide the Public Revenue to Be Used by Such Replacement by Imposing a Tax on the Gross Receipts from Retail Sales as Defined Herein; to Provide for the Collection of Such Tax, the Distribution and Use of the Revenue Derived Therefrom, and the Administration of Said Law; to Provide for Certain Deductions and Exemptions; Establishing a Lien for the Payment of Such Tax; to Fix Fines and Penalties for the Violation of the Provisions of This Act; to Repeal all Laws or Parts of Laws in Conflict Herewith and Declaring an Emergency.

Also,

Senate Bill No. 29. A Bill for an Act Making an Appropriation for Poor and Destitute Persons, Providing the Methods of Expenditure and Audit Thereof; Supervision and Inspection Therefor.

Also,

Senate Bill No. 81. A Bill for an Act Making an Appropriation for the Lutheran Welfare Society of North Dakota, Providing the Methods of Expenditure and Audit Thereof; Supervision and Inspection Therefor.

Also,

Senate Bill No. 247. A Bill for an Act Making an Appropriation for Payment of a Deficit in the Amount Appropriated for Payment of Per Diem of Employees of

Twenty-Fifth Legislative Assembly, and Declaring an Emergency.

Also,

Senate Bill No. 153. A Bill for an Act to Prevent Fraud and Deception in the Sale of Livestock Medicines; Providing for the Registration and Labeling of Livestock Medicines; Authorizing Rules and Regulations for the Administration of this Act; Prescribing the Method of Revocation of Such Registration and Prescribing a Penalty for the Violation Thereof.

Also,

Senate Bill No. 141. A Bill for an Act to Promote the Public Welfare by Providing for Public Assistance to Aged Persons in Need.

Also,

SENATE CONCURRENT RESOLUTION "H".

Also,

House Bill No. 46. A Bill for an Act to Appropriate Money for the Expenses of the Executive, Legislative and Judicial Departments of the State Government, and for Public Schools, Specifying the Amount and Time for Which Such Appropriations Shall Be Available, and Repealing All Acts, or Parts of Acts, Insofar as the Same Shall Relate to Appropriations Conflicting Herewith or to Appropriations for the Same Matters or Purposes Provided for Herein.

Also,

House Bill No. 125. A Bill for an Act to Provide for the Creation, the Powers, the Duties, the Authority and the Jurisdiction of the State Water Conservation Commission; Prescribing its Powers and Duties to Investigate, Plan, Regulate, Control, and Supervise for All Purposes of Flood Control, Water Conservation, Water Irrigation, Water Rights, and Pollution of Water, All Public or Private Navigable or Non-navigable, Surface and Sub-surface, Waters, Streams, Lakes, Ponds, Water-courses, Surface Waters, Run-off Waters, and Watersheds, Located in or Within the Jurisdiction of the State of North Dakota and to Exercise Powers of Contracting, of Sale and of Purchase, and of Leasing and sub-leasing with Respect Thereof; Providing for the Construction, Operation and Maintenance of a System of Works for the Conservation, Development, Storage, Distribution and Utilization of Water, and for the Acquisition and Disposition of Property Necessary Therefor; Authorizing the Issuance and Sale of Water Conservation Revenue Bonds of the State, Payable From the Revenues of Such Works and the Funds Received From the Sale or Disposal of Water and from the Operation, Lease; Sale or Other Disposition of the Works, Property, and Facilities to Be Acquired Out of the Proceeds of Such Bonds; Providing for the Lien Upon Bond Proceeds, for Exempting Property of Commission from Taxation; Providing for



Trust Indentures; Providing for the Creation of Certain Funds in Connection with the Act; Providing for Necessary Help and Expenses; Providing for Contracts with the United States; with Political Sub-divisions of the State, with Associations, Groups, and Persons, Providing for Powers and Duties Concerning Inter-State Compacts and Commissions; Providing for the Purchase and Condemnation, and Otherwise to Acquire Lands and Water Rights and for the Sale and Lease Thereof; Making an Appropriation; Providing for the Creation of a Revenue Bond Payment Fund; Providing Duties of State Agencies Acting Intra State, Concerning Water Conservation, Flood Control and Pollution of Waters and Providing Duties of State Agencies Concerning Inter-State Compacts With Respect to Water Conservation, Flood Control and Pollution of Waters; Providing for the Collection and Payment of Moneys Into Said Fund and Disbursements Therefrom; for Methods of Paying Principal and Interest Thereon by State Treasurer; Providing for Levy of Tax, if Necessary, to Pay Principal and Interest of Revenue Bonds; and Reimbursement of Such Levy, and to Provide that the State Water Conservation Commission May Mortgage Property; and Designating Said Water Conservation Commission as a Public Corporation and Agency of the State; and to Grant Additional Powers to the Commission Concerning Irrigation, the Sale and Lease of Water, and Water Rights; to Borrow Monies; Providing for Authority of Bank of North Dakota to Act as Fiscal Agent, to Purchase and Sell Revenue Bonds and to Make Loans; Repealing Inconsistent Acts and Declaring an Emergency.

Which the Speaker has signed and your signature is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign:

House Bill No. 125. A Bill for an Act to Provide for the Creation, the Powers, the Duties, the Authority and the Jurisdiction of the State Water Conservation Commission; Prescribing its Powers and Duties to Investigate, Plan, Regulate, Control, and Supervise for All Purposes of Flood Control, Water Conservation, Water Irrigation, Water Rights, and Pollution of Water, All Public or Private Navigable or Non-navigable, Surface and Sub-surface, Waters, Streams, Lakes, Ponds, Water-courses, Surface Waters, Run-off Waters, and Watersheds, Located in or Within the Jurisdiction of the State of North Dakota and to Exercise Powers of Contracting, of Sale and of Purchase, and of Leasing and sub-leasing with Respect Thereof; Providing for the Construction, Operation and Maintenance of a System of Works for the Conservation, Development, Storage, Distribution and Utilization of Water, and for the Acquisition and Disposition of Property

Necessary Therefor; Authorizing the Issuance and Sale of Water Conservation Revenue Bonds of the State, Payable From the Revenues of Such Works and the Funds Received From the Sale or Disposal of Water and from the Operation, Lease; Sale or Other Disposition of the Works, Property, and Facilities to Be Acquired Out of the Proceeds of Such Bonds; Providing for the Lien Upon Bond Proceeds, for Exempting Property of Commission from Taxation; Providing for Trust Indentures; Providing for the Creation of Certain Funds in Connection with the Act; Providing for Necessary Help and Expenses; Providing for Contracts with the United States; with Political Sub-divisions of the State, with Associations, Groups, and Persons, Providing for Powers and Duties Concerning Inter-State Compacts and Commissions; Providing for the Purchase and Condemnation, and Otherwise to Acquire Lands and Water Rights and for the Sale and Lease Thereof; Making an Appropriation; Providing for the Creation of a Revenue Bond Payment Fund; Providing Duties of State Agencies Acting Intra State, Concerning Water Conservation, Flood Control and Pollution of Waters and Providing Duties of State Agencies Concerning Inter-State Compacts With Respect to Water Conservation, Flood Control and Pollution of Waters; Providing for the Collection and Payment of Moneys Into Said Fund and Disbursements Therefrom; for Methods of Paying Principal and Interest Thereon by State Treasurer; Providing for Levy of Tax, if Necessary, to Pay Principal and Interest of Revenue Bonds; and Reimbursement of Such Levy, and to Provide that the State Water Conservation Commission May Mortgage Property; and Designating Said Water Conservation Commission as a Public Corporation and Agency of the State; and to Grant Additional Powers to the Commission Concerning Irrigation, the Sale and Lease of Water, and Water Rights; to Borrow Monies; Providing for Authority of Bank of North Dakota to Act as Fiscal Agent, to Purchase and Sell Revenue Bonds and to Make Loans; Repealing Inconsistent Acts and Declaring an Emergency.

Also,

House Bill No. 46. A Bill for an Act to appropriate money for the expenses of the Executive, Legislative and Judicial Departments of the State Government, and for Public Schools, Specifying the Amount and Time for Which Such Appropriations Shall Be Available, and Repealing All Acts, or Parts of Acts, insofar as the Same Shall Relate to Appropriations Conflicting Herewith or to Appropriations for the Same Matters or Purposes Provided for Herein.

And the President signed the same in the presence of the Senate.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to return herewith the following bills:

House Bill No. 125. A Bill for an Act to Provide for the Creation, the Powers, the Duties, the Authority and the Jurisdiction of the State Water Conservation Commission; Prescribing its Powers and Duties to Investigate, Plan, Regulate, Control, and Supervise for All Purposes of Flood Control, Water Conservation, Water Irrigation, Water Rights, and Pollution of Water, All Public or Private Navigable or Non-navigable, Surface and Sub-surface, Waters, Streams, Lakes, Ponds, Water-courses, Surface Waters, Run-off Waters, and Watersheds, Located in or Within the Jurisdiction of the State of North Dakota and to Exercise Powers of Contracting, of Sale and of Purchase, and of Leasing and sub-leasing with Respect Thereof; Providing for the Construction, Operation and Maintenance of a System of Works for the Conservation, Development, Storage, Distribution and Utilization of Water, and for the Acquisition and Disposition of Property Necessary Therefor; Authorizing the Issuance and Sale of Water Conservation Revenue Bonds of the State, Payable From the Revenues of Such Works and the Funds Received From the Sale or Disposal of Water and from the Operation, Lease; Sale or Other Disposition of the Works, Property, and Facilities to Be Acquired Out of the Proceeds of Such Bonds; Providing for the Lien Upon Bond Proceeds, for Exempting Property of Commission from Taxation; Providing for Trust Indentures; Providing for the Creation of Certain Funds in Connection with the Act; Providing for Necessary Help and Expenses; Providing for Contracts with the United States; with Political Sub-divisions of the State, with Associations, Groups, and Persons, Providing for Powers and Duties Concerning Inter-State Compacts and Commissions; Providing for the Purchase and Condemnation, and Otherwise to Acquire Lands and Water Rights and for the Sale and Lease Thereof; Making an Appropriation; Providing for the Creation of a Revenue Bond Payment Fund; Providing Duties of State Agencies Acting Intra State, Concerning Water Conservation, Flood Control and Pollution of Waters and Providing Duties of State Agencies Concerning Inter-State Compacts With Respect to Water Conservation, Flood Control and Pollution of Waters; Providing for the Collection and Payment of Moneys Into Said Fund and Disbursements Therefrom; for Methods of Paying Principal and Interest Thereon by State Treasurer; Providing for Levy of Tax, if Necessary, to Pay Principal and Interest of Revenue Bonds; and Reimbursement of Such Levy, and to Provide that the State Water Conservation Commission May Mortgage Property; and Designating Said Water Conservation Commission as a Public Corporation and Agency of the State; and to Grant Additional Powers to the Commission Concerning Irrigation, the Sale and Lease of Water, and Water Rights; to Borrow Monies; Providing for Authority of Bank of North Dakota to Act as Fiscal Agent, to Purchase and Sell Revenue Bonds and to Make Loans; Repealing Inconsistent Acts and Declaring an Emergency.

Also,

House Bill No. 46. A Bill for an Act to Appropriate Money for the Expenses of the Executive, Legislative and Judicial

Departments of the State Government, and for Public Schools, Specifying the Amount and Time for Which Such Appropriations Shall Be Available, and Repealing All Acts, or Parts of Acts, insofar as the Same Shall Relate to Appropriations Conflicting Herewith or to Appropriations for the Same Matters or Purposes Provided for Herein.

Which the President has signed.

Very respectfully,

THOMAS McDONALD,  
Secretary.

#### REPORT OF SELECT COMMITTEES

The Conference Committee on Senate Bill No. 62 made the following report:

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 62, have had the same under consideration and recommend:

1. That the House recede from the House amendments found on page 1741 of the House Journal reading as follows: 1. "After the word employ leave the word one as it is in the Journal".

2. Sub-section 4 of Section 2 in line 1 of such sub-section after the word "with" the word "one" will remain as it is.

3. And the Senate recedes on House amendment on page 1741 of the House Journal, reading as follows: whereby the House increase the appropriation from \$10,000 to \$33,000, it being the intention of this report that Senate Bill No. 62 shall only apply to employers having eight or more employees and that the appropriation carried by the Act shall be \$33,000.

For the Senate:

WM. J. LOWE,  
WILLIAM KROEBER,  
WM. WATT.

For the House:

THOS. A. WHITE,  
R. W. FRAZIER,  
JOE D. BYRNE.

Senator Lowe moved that the report be adopted, which motion prevailed and the report was adopted.

Senator Lowe moved that the rules be suspended and Senate Bill No. 62 be considered properly re-engrossed and placed upon second reading and final passage as amended, which motion prevailed.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 62. A Bill for an Act to Create an Unemployment Compensation Fund from Contributions by Employers for the Payment of Compensation for Involuntary Unemployment, to Provide for Merit Ratings for Employers,

to Create an Unemployment Compensation Division in the Workmen's Compensation Bureau, to Transfer the North Dakota State Employment Service to the Workmen's Compensation Bureau as a Division Thereof, to Provide for Compensation With the Social Security Board of the United States of America, to Provide for an Employment Service Account and an Appropriation Therefor, Defining and Regulating the Administration of This Act, to Provide for Penalties for Violation of Said Act, 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, 40; nays, 3; absent and not voting, 6.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Kamrath	Olson
Bilden	Kolpin	Owings
Cain	Kroeber	Skarvold
Coffey	Lemke	Strehlow
Crandall	Lian	Streibel
Drew	Lowe	Stucke
Ettestad	Lynn	Thatcher
Fowler	Magoffin	Thorson
Fredrickson	McGillic	Vinje
Greene	Morrison	Watt
Gronvold	Mutchler	Whelan
Guenther	Nelson, Barnes	Wog
Guthrie	Nelson, Grand Fks.	Young
Johnson		

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Lavik	Trout

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Gilbertson	Topp
Fine	Hulteng	Williams

So the bill passed, the title was agreed to, and the emergency clause was declared carried.

Senator Cain moved that the vote by which Senate Bill No. 62 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

The Senate had under consideration the question of approval of Senate Bill No. 55, notwithstanding the Governor's veto.

Senator Lynn requested that the Senate return to the seventh order of business.

President Thoresen: We have under consideration Senate Bill No. 55. The Clerk will call the roll.

Senator Lynn: I request that we return to the seventh order of business.

President Thoresen: The Chair will not entertain that motion, Senator Lynn. The only action the Chair will entertain at this time is disposing of Senate Bills No. 55 and 56 which are now before us, the signing of the remaining bills, and adjourning sine die. Unless that is satisfactory the Chair will adjourn sine die right now and walk down. The Clerk will call the roll on Senate Bill No. 55.

### SECOND READING OF SENATE BILLS

Senate Bill No. 55. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items of the State Normal School at Valley City, North Dakota.

Was read the second time.

### ROLL CALL

The question being on the motion to pass the bill notwithstanding the veto of the Governor, the roll was called and there were ayes, 24; nays, 21; absent and not voting, 4.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Gronvold	Nelson, Grand Fks.
Bilden	Guthrie	Strehlow
Cain	Lian	Stucke
Coffey	Lowe	Thatcher
Crandall	Lynn	Topp
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Watt
Gilbertson	Nelson, Barnes	Whelan

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Blaisdell	Kolpin	Owings
Drew	Kroeber	Skarvold
Ettestad	Lavik	Streibel
Greene	Lemke	Thorson
Guenther	Morrison	Trout
Johnson	Mutchler	Wog
Kamrath	Olson	Young

Absent and not voting:

Messrs.	Messrs.	Messrs.
Brostuen	Hulteng	Williams
Fine		

So the bill lost for want of a two-thirds vote.

### EXPLANATION OF VOTE

Senator Stucke: I made a solemn promise to vote "aye"

on this measure. It is true that things did not happen the way I would like to have had them happen, but to be a good sport and keep my word, I vote "aye."

Senator Young: I vote "no" on this measure for the reason that we have already appropriated \$4,000,000.00 more than we can possibly raise. These appropriations mean nothing. I vote "no."

Senator Johnson: I vote "no" for the purpose of reconsideration.

Senator Vinje: I want to appeal to you to change your decision in regard to this. The Governor stated in his message that he expected us to pass an income tax bill with an emergency clause. We have agreed on an income tax bill but it needs an emergency clause and I can not see why that should not be added to the bill that we have passed. It lacks the emergency clause, and after that is added to the bill, as passed, then it is understood and recommended that these two school bills be passed. I ask that the ruling of the Chair be changed in regard to this.

President Thoresen: The Chair will not change its ruling. I will state my reasons and if you want them in the record they will be there.

Senator Lynn: I can appeal from your decision.

President Thoresen: Senator Lynn, if you appeal, this assembly will be adjourned instantly. I will read it right into the record, the facts as they are. It is not the making of this Chair, nor of this body, the situation we are in. These bills that we have up now were vetoed, and a message came into this body threatening this Senate that unless they did so and so that further appropriations would be vetoed, in direct conflict with Section 81 of the Constitution of the State of North Dakota. And before, and on top of that, there has been going on here for the past two or three days, spoken openly on the Floor of the Senate, and in the lobbies, that there has been deliberate trading and bickering and bargaining on these bills, and the Chair is not going to be a party to it. Consequently, if it is the desire of the Senate, this Chair is going to vacate and walk out, but I am not going to be a party to a demonstration of this kind.

Senator Watt: Mr. President, you are absolutely right in your position.

Senator Morrison: Where would the Governor get the money from?

President Thoresen: That is his problem, it is not mine.

Senator Lynn: I can appeal from the Chair—

President Thoresen: The Chair will not recognize that motion, Senator Lynn, you might just as well not make it. You can appeal all you want to, the Chair will not recognize the motion.

Senator Herman Thorson: We have a President pro tem here, maybe he would recognize it.

Senator Johnson: I move that we strike from the record the remarks of the Chair.

President Thoresen: I am willing they be obliterated. They don't need to appear.

Senator Kroeber: I move that we—

President Thoresen: Just a minute Senator Kroeber. We have certain things to do here that must be done legitimately. There is not going to be any horse play such as has been going on these last number of days. All the bills that I know of have been signed and delivered to the Governor. There are no bills in this body that I know of except the one we have just passed—Senate Bill No. 62—and if it is agreeable to this body, I will entertain a motion that we notify the Governor and the House that the Senate is about to adjourn and go on the 15th order of business for the purpose of signing bills, and then stand adjourned sine die.

Senator Vinje: I move that Senate Bill No. 56 be approved, notwithstanding the veto of the governor. (Motion seconded).

President Thoresen: The Clerk will call the roll on Senate Bill No. 56.

Senate Bill No. 56. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Normal School, Mayville, North Dakota.

Was read the second time.

### ROLL CALL

The question being on the motion to pass the bill notwithstanding the veto of the governor, the final passage of the bill, as amended, the roll was called and there were ayes, 24; nays, 22; absent and not voting, 3.

Those voting in the affirmative were:

Messrs.	Messrs.	Messrs.
Aasen	Guenther	Nelson, Grand Fks.
Blaisdell	Guthrie	Strehlow
Cain	Lian	Stucke
Coffey	Lowe	Thatcher
Crandall	Lynn	Topp
Fowler	Magoffin	Vinje
Fredrickson	McGillic	Watt
Gronvold	Nelson, Barnes	Whelan

Those voting in the negative were:

Messrs.	Messrs.	Messrs.
Bilden	Kolpin	Owings
Brostuen	Kroeber	Skarvold
Drew	Lavik	Streibel



<b>Messrs.</b>	<b>Messrs.</b>	<b>Messrs.</b>
Ettestad	Lemke	Thorson
Gilbertson	Morrison	Trout
Greene	Mutchler	Wog
Johnson	Olson	Young
Kamrath		

Absent and not voting:

<b>Messrs.</b>	<b>Messrs.</b>	<b>Messrs.</b>
Fine	Hulteng	Williams

So the motion lost for want of a two-thirds majority.

#### EXPLANATION OF VOTE

Senator Brostuen: In view of the fact that we have not had a roll call upon the emergency clause on Senate Bill No. 70, I vote "no."

Senator Lowe: This bill calls for a regular appropriation for a regularly established institution of learning. I voted "aye" on this bill when it was originally passed and I vote "aye" now.

Senator Johnson: Once again I vote "aye" for the purpose of reconsideration.

#### MESSAGE FROM THE GOVERNOR

State of North Dakota  
OFFICE OF THE GOVERNOR

Members of the Senate, Twentyfifth Legislative  
Assembly of the State of North Dakota.

Members of the Senate:

As Governor of the State of North Dakota, under Section 75 of the Constitution of the State of North Dakota, I do hereby state that in my opinion an extraordinary occasion has arisen, and I do hereby convene the Legislative Assembly into a Special Session, the same to convene at nine o'clock, A. M., March 8th, 1937.

Respectfully,

WILLIAM LANGER,  
Governor.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to return herewith the following bill:

Senate Bill No. 70. A Bill for an Act Providing for and Relating to the Taxation of Individuals, Fiduciaries and Corporations; Prescribing the Rates Which Shall Be Paid with Respect to Net Income as Defined in Article 35 of Chapter 34 of Political Code of the Supplement to the Compiled

Laws of 1913 and Acts Amendatory Thereof; Providing When Losses May Be Deducted; Providing for Exemptions and Credit Upon Tax; Providing for Date of Effect and to Amend and Re-enact Section 2346a23 of the Supplement to the Compiled Laws of 1913; and to Amend and Re-enact Section 2346a25 of the Supplement to the Compiled Laws of 1913; and Subsection 4 of Section 4 of Section 234a18 of the Supplement to the Compiled Laws of 1913 as Amended by Chapter 283, Session Laws, 1931; Providing for Making the Tax a Lien; Providing for Field Auditors; Providing for the Repeal of Paragraph "B" of Subsection 4 of Section 6 of Chapter 283 of the 1931 Session Laws; Making a Saving Clause and Declaring an Emergency.

Which the Speaker has signed.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### 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 Bills No. 55, 56, 78 and 96 were delivered to the Governor for his approval at the hour of 8:45 p. m., March 5, 1937.

WM. KROEBER,  
Chairman.

#### MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to transmit herewith the following bill:

House Bill No. 40. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Penitentiary.

Which the Speaker has signed and your signature is respectfully requested.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign:

House Bill No. 40. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Penitentiary.

And the President signed the same in the presence of the Senate.

#### MESSAGE TO THE HOUSE

Mr. Speaker: I have the honor to return herewith the following bill:

House Bill No. 40. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Penitentiary.

Which the President has signed.

Very respectfully,

THOMAS McDONALD,  
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 Bills No. 66, 29, 81, 247, 153, 141 and 80 were delivered to the Governor for his approval at the hour of 10:40 p. m., March 5, 1937.

WM. KROEBER,  
Chairman.

#### MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to inform you that the Senate has adopted the report of the Conference Committee on Senate Bill No. 62.

Very respectfully,

THOMAS McDONALD,  
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 Resolu-

tions "S", "Z", "T", "A-3", and "H", and Senate Bill No. 70 were delivered to the Governor for his approval at the hour of 8:45 p. m., March 5, 1937.

WM. KROEBER,  
Chairman.

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 bill:

Senate Bill No. 62. A Bill for an Act to Create an Unemployment Compensation Fund from Contributions by Employers for the Payment of Compensation for Involuntary Unemployment, to Provide for Merit Ratings for Employers, to Create an Unemployment Compensation Division in the Workmen's Compensation Bureau, to Transfer the North Dakota State Employment Service to the Workmen's Compensation Bureau as a Division Thereof, to Provide for Compensation With the Social Security Board of the United States of America, to Provide for an Employment Service Account and an Appropriation Therefor, Defining and Regulating the Administration of This Act, to Provide for Penalties for Violation of Said Act, and Declaring an Emergency.

And find the same correctly enrolled.

WM. KROEBER,  
Chairman.

Senator Kroeber 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. 62. A Bill for an Act to Create an Unemployment Compensation Fund from Contributions by Employers for the Payment of Compensation for Involuntary Unemployment, to Provide for Merit Ratings for Employers, to Create an Unemployment Compensation Division in the Workmen's Compensation Bureau, to Transfer the North Dakota State Employment Service to the Workmen's Compensation Bureau as a Division Thereof, to Provide for Compensation With the Social Security Board of the United States of America, to Provide for an Employment Service Account and an Appropriation Therefor, Defining and Regulating the Administration of This Act, to Provide for Penalties for Violation of Said Act, and Declaring an Emergency.

And the President signed the same in the presence of the Senate.

Very respectfully,

THOMAS McDONALD,  
Secretary.

FRIDAY, MARCH 5, 1937

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MESSAGE TO THE HOUSE

Senate Chamber,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. Speaker: I have the honor to transmit herewith the following bill:

Senate Bill No. 62. A Bill for an Act to Create an Unemployment Compensation Fund from Contributions by Employers for the Payment of Compensation for Involuntary Unemployment, to Provide for Merit Ratings for Employers, to Create an Unemployment Compensation Division in the Workmen's Compensation Bureau, to Transfer the North Dakota State Employment Service to the Workmen's Compensation Bureau as a Division Thereof, to Provide for Compensation With the Social Security Board of the United States of America, to Provide for an Employment Service Account and an Appropriation Therefor, Defining and Regulating the Administration of This Act, to Provide for Penalties for Violation of Said Act, and Declaring an Emergency.

Which the President has signed and your signature is respectfully requested.

Very respectfully,

THOMAS McDONALD,  
Secretary.

MESSAGE FROM THE HOUSE

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to return herewith the following bills:

Senate Bill No. 62, which the Speaker has signed.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

House of Representatives,  
Bismarck, North Dakota,  
March 5, 1937.

Mr. President: I have the honor to inform you that the Speaker has appointed Representatives Hagen, Fitch and Dullea to confer with a like committee from the Senate to determine the time of adjournment.

Very respectfully,

MINNIE D. CRAIG,  
Chief Clerk.

A Committee from the House notified the Senate that the

House had completed its business and was about to adjourn sine die.

Senator Johnson moved that the Chair 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.

The President appointed on such committee Senators Bros-tuen, Johnson and Gilbertson.

Senator Watt moved that the Chair appoint a committee of three to notify the Governor that the Senate had finished its business and was about to adjourn sine die.

Which motion prevailed.

The President appointed on such committee Senators Watt, Wog and Thatcher.

The President instructed such committee to deliver Senate Bills No. 62 and 70 to the Governor.

The committee appointed to deliver Senate Bills No. 62 and 70 to the Governor, reported that they had delivered the same to him at 11:40 o'clock p. m., March 5, and that they had further notified the Governor that the Senate had completed its business and was about to adjourn sine die, and asked to be discharged.

Which request was granted.

The Committee appointed to notify the House that the Senate had completed its business and was about to adjourn sine die reported that they had so notified the House and requested that they be discharged.

Which request was granted.

Senator Gronvold moved that the Senate do now adjourn sine die.

Which motion prevailed and the Senate stood adjourned sine die.

#### COURTESIES OF THE FLOOR

The courtesies of the floor were extended to:

Ralph Keller, Fargo; Effel Viken, Geraldine Fischer, Ella Olson, Bismarck; Margaret Olson, Jamestown.

THOMAS McDONALD,  
Secretary.

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## RECORD OF BILLS IN THE SENATE

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### SENATE BILLS

#### Senate Bill No. 1—(Young, Coffey and Bilden)

Senate Bill No. 1. A Bill for an Act Providing for the Organization of Farmers State Mutual Fire and Lightning Reinsurance Companies, and Repealing all Acts and Parts of Acts in Conflict Herewith.

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Reported Back, 110.  
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#### Senate Bill No. 2—(Whelan)

Senate Bill No. 2. A Bill for an Act Providing for the Refunding of the Indebtedness of the State of North Dakota, the Issuance of Refunding Bonds by the Industrial Commission, Prescribing the Terms and Conditions Hereof, Providing for Their Sale Exchange and Delivery, Establishing the "Refunding Bond Fund" and the "Refunding Bond Interest Fund," Providing for Annual Tax Levies, Providing for the Retirement and Payment of North Dakota's Outstanding Obligations, Providing for the Issuance of Certificates of Indebtedness and Their Payment, Amending Chapter 148, Session Laws of 1919 (Sections 2290a1 to 2290a11, inclusive, 1925 Supplement to the 1913 Compiled Laws), Chapter 154 of the Session Laws of 1919 (Sections 2290b1 to 2290b16, inclusive, 1925 Supplement to the 1913 Compiled Laws), Chapter 292, Session Laws of 1923 (Sections 2290c1 to 2290c15, inclusive, 1925 Supplement to the Compiled Laws), Chapter 153 Session Laws of 1919 (Sections 2290d1 to 2290d17, inclusive, 1925 Supple-

ment to the 1913 Compiled Laws), Chapter 291, Session Laws of 1923 (Sections 2290e1 to 2290e9, inclusive, 1925 Supplement of the 1913 Compiled Laws), Chapter 152, Session Laws of 1929, Chapter 102 Session Laws of 1931, Chapter 90, Session Laws of 1933, and Amendments to the Same, Transferring Assets and Funds Securing North Dakota Bonds for the Use of Refunding Bonds and Interest Thereon, Repealing All Acts or Parts of Acts Inconsistent with the Provisions of This Enactment, and Declaring an Emergency.

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**Senate Bill No. 3—(Cain, Young, Lynn, Whelan)**

Senate Bill No. 3. A Bill for an Act Prohibiting the Manufacture, Owning, Operating, Storing, Possessing, Selling, Renting, Leasing, Lending, Transporting, or in any Manner Handling or Exposing for Sale or Lease, any Slot Machine, Ball Machine, or Other Device; Defining the Duties of State's Attorneys, Peace Officers; Providing Penalties for the Violation of the Provisions of This Act; Continuing in Force Present Statutory Regulations Prohibiting or Regulating Slot Machines, and Declaring an Emergency.

Introduction, first reading, Reference, 74.  
 Reported Back, 251.  
 Amended, 380.  
 Second Reading, 380.  
 To House, 405, 616, indefinitely postponed.  
 Returned to Senate, 616.

**Senate Bill No. 4—Cain, Wog, Nelson of Grand Forks, Gron-void)**

Senate Bill No. 4. A Bill for an Act to Amend and Re-enact Section 5, Chapter 170 of the Session Laws of North Dakota for the Year 1933, Relating to Municipal Bond Issues and Elections Therefor, and Declaring an Emergency.

Introduction, first reading and Reference, 75.  
 Reported Back, 147.  
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**Senate Bill No. 5—(Appropriations)**

Senate Bill No. 5. A Bill for an Act Making an Appropriation for the Inspection and Eradication of Bee Diseases, Under the Provisions of Sections 2790a1-2790a18 of the Supplement to the 1913 Compiled Laws of North Dakota.

Introduction, first reading and Reference, 75.  
 Reported Back, 121.  
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**Senate Bill No. 6—(Appropriations)**

Senate Bill No. 6. A Bill for an Act Making an Appropriation for the Maintenance of the State Capitol and for Improvements, Repairs, Insurance and Upkeep of Grounds.

Introduction, first reading and Reference, 75.  
 Reported Back, 89.  
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 To House, 107, 460.  
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**Senate Bill No. 7—(Appropriations)**

Senate Bill No. 7. A Bill for an Act Making an Appropriation for the Purpose of Indemnifying Owners of Animals Infected with Bovine Tuberculosis and to Pay Expenses in Connection Therewith.

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 Sent to Governor, 933.  
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**Senate Bill No. 8—(Appropriations)**

Senate Bill No. 8. A Bill for an Act Making an Appropriation for the Glanders and Dourine Indemnity Fund; and Declaring an Emergency.

Introduction, first reading and Reference, 75.  
 Reported Back, 99.  
 Second Reading, 114, 368.  
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 Signed by President, 425.  
 Sent to Governor, 464.

**Senate Bill No. 9—(Gilbertson)**

Senate Bill No. 9. A Bill for an Act to Amend and Re-enact Section 1, of Chapter 172 of the Session Laws of 1929, as Amended and Re-enacted by Chapter 200 of the Session Laws of 1935, Which Authorizes and Empowers Cities, Towns or Villages to Purchase, Erect, Operate and Maintain or Lease Electric Light and Power Plant, Electric Distribution System and Transmission Line, Telephone Plant, or Parts of

System or Lines or Waterworks, Mains, Distribution System and/or Equipment or Appliances Connected Therewith, as Provided for in the Act; Providing That Wherever Such Plant, System, Line or Waterworks Already Exist and is in Operation Such Municipality Shall Acquire the Same by Agreement with the Owner or by Condemnation Proceedings; and Declaring an Emergency.

Introduction, first reading and Reference, 76.  
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 Indefinitely Postponed, 111.

**Senate Bill No. 10—(Appropriations)**

Senate Bill No. 10. A Bill for an Act Making an Appropriation for the Purpose of Carrying Out the Provisions of Sections 1471b1 to 1471b9 and 1471c1 to 1471c8 of the Supplement to the Compiled Laws of 1913.

Introduction, first reading and Reference, 76.  
 Reported, 111, 134.  
 Other Action or Amendment, 116, 134.  
 Amended, 134, 161.  
 Second Reading, 161.  
 To House, 1245, 1348, 185.  
 House Action, 1138, Passed.  
 Returned to Senate, 1138, 1325.  
 Signed by President, 1235.  
 Sent to Governor, 1349.

**Senate Bill No. 11—(Appropriations)**

Senate Bill No. 11. A Bill for an Act Making an Appropriation for the Purpose of Paying a Bounty on Wolves and Coyotes as Provided for Under Sections 2645 to 2656, Inclusive, of the Supplement to the Compiled Laws of 1913 as Amended by Chapter 283, Session Laws of 1927, and as Amended by Chapter 9, Session Laws of 1933, and as Amended by Chapter 7, Session Laws of 1935; and Magpie Bounty as Provided for by Section 2656b1 to 2656b9, Inclusive, of the Supplement to the 1913 Compiled Laws of North Dakota; and Declaring an Emergency.

Introduction, first reading and Reference, 76.  
 Reported Back, 134.  
 Other Action or Amendment, 134.  
 Amended, 134.  
 Second Reading, 162.  
 To House, 186, 1425.  
 Returned to Senate, 1339, 1505.  
 Signed by President, 1407.

**Senate Bill No. 12—(Appropriations)**

Senate Bill No. 12. A Bill for an Act Making an Appropriation for the Per Diem, Salaries and General Expenses of the State Livestock Sanitary Board.

Introduction, first reading and Reference, 76.

Reported Back, 98.  
 Amended, 198.  
 Second Reading, 115.  
 To House, 116, 1244.  
 House Action, 1139.  
 Returned to Senate, 1139, 1325.  
 Signed by President, 1235.  
 Sent to Governor, 1349.

**Senate Bill No. 13—(Topp and Young)**

Senate Bill No. 13. A Bill for an Act Requiring Licenses for the Operation, Maintenance, Opening or Establishment of Stores in This State, Prescribing the License and Filing Fees to Be Paid Therefor, and the Disposition Thereof, and the Powers and Duties of the State Tax Commissioner in Connection Therewith, and Prescribing Penalties for the Violation Thereof.

Introduction, first reading and Reference, 83.  
 Reported Back, 780.  
 Other Action or Amendment, 780, 821.  
 Second Reading, 821.  
 To House, 822.  
 House Action, 1234, indefinitely postponed.  
 Returned to Senate, 1234.

**Senate Bill No. 14—(Appropriations)**

Senate Bill No. 14. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the State Historical Society.

Introduction, first reading and Reference, 83.  
 Reported Back, 112.  
 Second Reading, 125.  
 To House, 145, 516.  
 Returned to Senate, 431, 530.  
 Signed by President, 513.  
 Sent to Governor, 851.

**Senate Bill No. 15—(Appropriations)**

Senate Bill No. 15. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the Department of Public Health.

Introduction, first reading, Reference, 83.  
 Reported Back, 150.  
 Amended, 150.  
 Second Reading, 165.  
 To House, 186, 1340.  
 Returned to Senate, 1241, 1369.  
 Signed by President, 1314.  
 Sent to Governor, 1498.

**Senate Bill No. 16—(Appropriations)**

Senate Bill No. 16. A Bill for an Act Making an Appropri-

ation for the Purpose of Paying Salary, Clerkhire and General Expenses of the Public Health Laboratories.

Introduction, first reading, reference, 83.  
 Reported back, 150.  
 Other action or amendment, 151.  
 Amended, 150.  
 Second reading, 165.  
 To House, 186, 1340.  
 Returned to Senate, 1241, 1369.  
 Signed by President, 1314.  
 Sent to Governor, 1498.

**Senate Bill No. 17—(Appropriations)**

Senate Bill No. 17. A Bill for an Act Making an Appropriation for the Purpose of Paying Salaries, Clerkhire and General Expenses of the Division of Child Hygiene.

Introduction, first reading and reference, 83.  
 Reported, 158.  
 Second reading, 179.  
 To House, 196, 1491.  
 Returned to Senate, 1437, 1534.  
 Signed by President, 1484.  
 Sent to Governor, 1578.

**Senate Bill No. 18—(Appropriations)**

Senate Bill No. 18. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the Department of Coal Mine Inspection.

Introduction, first reading and reference, 83.  
 Reported back, 112.  
 Amended, 126.  
 Second reading, 126.  
 To House, 145, 342, 452.  
 Returned to Senate, 233, 359.  
 Signed by President, 339.  
 Sent to Governor, 377.

**Senate Bill No. 19—(Appropriations)**

Senate Bill No. 19. A Bill for an Act Making an Appropriation for the use by the Board of Administration in Administering Child Welfare Laws.

Introduction, first reading and reference, 84.  
 Reported back, 112, 941.  
 Second reading, 126.  
 Indefinitely postponed, 941.

**Senate Bill No. 20—(Appropriations)**

Senate Bill No. 20. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary and Miscellaneous General Expenses of the Department of Minimum Wage.

Introduction, first reading and reference, 84.  
 Reported back, 414.  
 Second reading, 450.  
 To House, 515, 1426.  
 Returned to Senate, 1191, 1506.  
 Signed by President, 1409.  
 Sent to Governor, 1578.

**Senate Bill No. 21—(Blaisdell)**

Senate Bill No. 21. A Bill for An Act to Provide that Judgments not Renewed Within Ten Years From Date of Docketing Shall Be Discharged and Satisfied of Record, Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Introduction, first reading and reference, 91.  
 Reported back, 149.  
 Second reading, 169.  
 Amended, 170.  
 Emergency, 170.  
 To House, 186.  
 House action, 326, indefinitely postponed.  
 Returned to Senate, 326.

**Senate Bill No. 22—(Blaisdell)**

Senate Bill No. 22. A Bill for an Act Amending and Re-enacting Section 2 of Chapter 222 of the Session Laws of 1931.

Introduction, first reading and reference, 91.  
 Reported, 413.  
 Other action or amend., 238, 413, 448.  
 Amended, 447, 457.  
 Second reading, 447, 449, 1102.  
 To House, 515, 1341.  
 Amended, 1085.  
 Returned to Senate, 1085, 1369.  
 Signed by President, 1314.  
 Sent to Governor, 1398.

**Senate Bill No. 23—(Blaisdell)**

Senate Bill No. 23. A Bill for an Act to Amend and Re-enact Sections 2, 3 and 8 of Chapter 135, of the Session Laws of 1935, Relating to the Election of Presidential Electors, Precinct Committeemen; Delegates to National Conventions, National Committeemen and Committeewomen; for organization of County and State Committees, of Political Parties.

Introduction, first reading and reference, 91.  
 Reported, 916.  
 Other action or amend., 916.  
 Amended, 940, 974.  
 Second reading, 940, 973.  
 To House, 1002.

House action, 1085, indefinitely postponed.  
Returned to Senate, 1085.

**Senate Bill No. 24—(Lowe, Gronvold, Stucke, Ettestad)**

Senate Bill No. 24. A Bill for an Act Relating to Motor Vehicles, Trailers, and Semi-trailers, the Ownership Thereof, and Other Interests Therein, and to Provide for the Registration Thereof, the Issuance of Certificates of Title Therefor Upon Payment of Fees; and to License Persons in the Business of Dealing in All Motor Vehicles; Trailers, and Semi-trailers; and to Protect Owners of Such Vehicles Against Theft, Embezzlement or Other Loss Thereof; Providing for Highway Traffic Regulations; and Providing for the Administration and Enforcement of Motor Vehicle Laws and Highway Traffic Regulations by Division of Highway Safety and Patrol; Providing for the Appointment of a Registrar of Motor Vehicles and Other Employees of the Department; Providing for the Appointment of a Superintendent of Division of Highway Safety and Patrol and Other Patrolmen and Employees; Prescribing Their Salaries and Providing for the Expense of Administration; Prescribing Their Duties and Term of Office; Providing for Operator's and Chauffeur's Licenses and the Fees to Be Paid Therefor; Providing for the Taking of Registration and Operator's and Chauffeur's License Applications; Providing for the Safety, Welfare and Protection of the Traveling Public in the Use of the Highways; Providing for Uniform Regulation of Highway Traffic; Providing for the Enforcement and Penalties for the Violation of the Provisions of This Act; Prescribing Rules of Interpretation and Repealing any Act or Parts of Acts Inconsistent with or in Conflict with the Provisions of This Act.

Introduction, first reading and reference, 91.  
Reported, 710, 717.  
Other action, 782, 857, 1579, 1587.  
Second reading, 833, 859.  
To House, 1001.  
House action, 1464, indefinitely postponed.  
Returned to Senate, 1464.

**Senate Bill No. 25—(Thorson)**

Senate Bill No. 25. A Bill for an Act Declaring the Law of the State of North Dakota with Reference to the Extent to Which Lands Used and Usable for Farming and Ranching Purposes in This State May Lawfully Be Charged with Tax Obligations, and Providing for an Over-all Limitation on the Tax Charges in Money Which May Lawfully Be Spread Against Such Lands, and Providing a Remedy for Past and Future Excessive Charges, and Declaring an Emergency.

Withdrawn, 92.

**Senate Bill No. 26—(McGillic, Drew, Coffey)**

Senate Bill No. 26. A Bill for an Act to Provide for a

Civil Service Commission and Providing for the Appointment of an Executive Secretary Thereo; Defining the Powers, Duties and Compensation of Such Commission and Executive Secretary; Providing for and Defining a Classified Civil Service for the State of North Dakota; Granting to the Civil Service Commission the Right to Make Rules for the Examination and Certification of Persons Eligible for Appointment to Positions in the Classified Civil Service; Making Certain Rules for the Appointment, Promotion, Transfer, and Reinstatement of Persons to Positions in the Classified Civil Service; Providing Penalties for Violations of the Act and Making an Appropriation for the Purpose of Paying the Salaries and Other Expenses of Said Civil Service Commission.

Introduction, first reading and reference, 92.  
 Reported, 235, 549, 781.  
 Second reading, 825.  
 To House, 826.  
 House action, 1243, indefinitely postponed.  
 Returned to Senate, 1243.

**Senate Bill No. 27—(Gilbertson, Aasen)**

Senate Bill No. 27. A Bill for an Act Making it Unlawful for the Governor or any Officer of the State, or any Manager or Executive Head or Other Person Directly or Indirectly Employed by any Department, Bureau, Commission or Industry of This State, or any Member of any State Board, to Appoint any Member of the Legislative Assembly to any Civil Office or any Civil Employment During the Term for Which Said Member Shall Have Been Elected; Making it Unlawful for any Member of Said Legislative Assembly to Accept Such Employment; Providing a Penalty, and Declaring an Emergency.

Introduction, first reading and reference, 93.  
 Reported, 149.  
 Other action or amend., 150.  
 Second reading, 163.  
 To House, 172.  
 House action, indefinitely postponed.  
 Returned to Senate, 232.

**Senate Bill No. 28—(Mutchler)**

Senate Bill No. 28. A Bill for an Act to Amend and Re-enact Section 8 of Chapter 97 of the Session Laws of 1935, Relating to the Delegation of Power to Incorporated Cities and Villages and Board of County Commissioners with Reference to Beer Licenses, Providing for Hours of Closing and Providing for Penalty of Violations of Act.

Introduction, first reading and reference, 100.  
 Reported, 173, indefinitely postponed.  
 Other action, 174.

**Senate Bill No. 29—(Appropriations)**

Senate Bill No. 29. A Bill for an Act Making an Appro-

ropriation for Poor and Destitute Persons, Providing the Methods of Expenditure and Audit Thereof; Supervision and Inspection Therefor.

Introduction, first reading and reference, 101.  
 Reported, 121, 347.  
 Other action or amend., 347, 1148.  
 Second reading, 1539.  
 To House, 405, 1575, 1597.  
 Amended, 1140.  
 Conference Comm., 1172, 1199, 1163, 1221, 1272, 1324, 1475, 1494.  
 Returned to Senate, 1595, 1599.  
 Signed by President, 1540.  
 Sent to Governor, 1611.

**Senate Bill No. 30—(Appropriations)**

Senate Bill No. 30. A Bill for an Act Making an Appropriation for the North Dakota Children's Home and Aid Society of Fargo, North Dakota, Providing the Methods of Expenditure, and Audit Thereof; Supervision and Inspection Therefor.

Introduction, first reading and reference, 101.  
 Reported, 135, 345.  
 Other action or amend., 135, 345, 1148.  
 Second reading, 382, 1544.  
 To House, 404, 1593.  
 Amended, 1140.  
 Conference Comm., 1163, 1172, 1199, 1148, 1194, 1324, 1272.  
 Returned to Senate, 1140, 1594.  
 Signed by President, 1591.  
 Sent to Governor, 1599.

**Senate Bill No. 31.—(Appropriations)**

Senate Bill No. 31. A Bill for an Act Making an Appropriation for Poor and Destitute Persons, Providing the Method of Expenditure and Audit Thereof; Supervision and Inspection Therefor.

Introduction, first reading and reference, 101.  
 Reported, 346.  
 Other action or amend., 1148.  
 Second reading, 374, 1543.  
 To House, 405, 1593.  
 Amended, 1140.  
 Conference Committee, 1148, 1163, 1172, 1199, 1273, 1221, 1324, 1475, 1494.  
 Returned to Senate, 1140, 1594.  
 Signed by President, 1591.  
 Sent to Governor, 1599.

**Senate Bill No. 32—(Appropriations)**

Senate Bill No. 32. A Bill for an Act Making an Appropriation for St. John's Orphanage of Fargo, North Dakota, Pro-



viding the Methods of Expenditure and Audit Thereof; Supervision and Inspection Thereof.

Introduction, first reading and reference, 101.  
 Reported, 135, 343.  
 Other action or amend., 135, 345.  
 To House, 404, 1593.  
 Second reading, 272, 1544.  
 Conference Committee, 1163, 1172, 1199, 1221, 1222, 1324, 1495, 1494.  
 Signed by President, 1591.  
 Sent to Governor, 1599.

**Senate Bill No. 33—(Appropriations)**

Senate Bill No. 33. A Bill for an Act Making an Appropriation to Provide a State Contingency Fund to Be Placed at the Disposal of the State Emergency Commission to Be Used as Provided by Sections 283c1 to 283c6, Inclusive, and Section 283c10 of the Supplement to the Compiled Laws of 1913.

Introduction, first reading and reference, 101.  
 Reported, 136.  
 Other Action or amend., 1148.  
 Amended, 154.  
 Second reading, 154.  
 To House, 172, 1128.  
 House action, 1087.  
 Returned to Senate, 1087, 1162.  
 Signed by President, 1128.  
 Sent to Governor, 1167, 1599.

**Senate Bill No. 34—(Appropriations)**

Senate Bill No. 34. A Bill for an Act Making an Appropriation to Pay the Expenses of the State Board of Veterinary Medical Examiners as Authorized Under Sections 2711 to 2720, Inclusive, of the Compiled Laws of North Dakota, for the Year 1913.

Introduction, first reading and reference, 101.  
 Reported, 122.  
 Second reading, 140.  
 To House, 162, 342.  
 Returned to Senate, 283, 346, 359.  
 Signed by President, 339.  
 Sent to Governor, 377.

**Senate Bill No. 35—(Appropriations)**

Senate Bill No. 35. A Bill for an Act Making an Appropriation for the Purpose of Paying Premiums on Bonds of State Officials as Provided by Section 663a1 of the Supplement to the 1913 Compiled Laws of North Dakota.

Introduction, first reading and reference, 102.  
 Reported, 122.  
 Amended, 141.

Second reading, 141.  
 To House, 169, 1182.  
 House action, 1138.  
 Returned to Senate, 1138, 1213.  
 Signed by President, 1177.  
 Sent to Governor, 1234.

**Senate Bill No. 36—(Appropriations)**

Senate Bill No. 36. A Bill for an Act Making an Appropriation to Provide Funds to Pay the Necessary Expenses and Reasonable Compensation to Commissioners Appointed in Actions to Release Insane Patients as Prescribed by Section 2562 of the Compiled Laws of 1913.

Introduction, first reading and reference, 102.  
 Reported, 123.  
 Second reading, 135.  
 To House, 162.  
 House action, 283, indefinitely postponed.  
 Conf. Comm., 283, 333.

**Senate Bill No. 37.—(Appropriations)**

Senate Bill No. 37. A Bill for an Act Making an Appropriation for the Purpose of Refunding Money Erroneously Paid Into or Credited to the General Fund.

Introduction, first reading and reference, 102.  
 Reported, 158.  
 Second reading, 180.  
 To House, 197, 1181.  
 House action, 1138.  
 Returned to Senate 1138, 1213.  
 Signed by President, 1176.  
 Sent to Governor, 1234.

**Senate Bill No. 38.—(Appropriations)**

Senate Bill No. 38. A Bill for an Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire, Travel and General Expenses of the Office of Veterans' Service Commissioner as Prescribed by Chapter 281, Laws of 1927 and Chapter 74, Laws of 1929.

Introduction, first reading and reference, 102.  
 Reported, 151.  
 Other action, 594, 632.  
 Second reading, 166.  
 To House, 186, 460.  
 Returned to Senate, 386, 501.  
 Signed by President, 458.  
 Sent to Governor, 535.  
 Vetoed by Governor, 547.

**Senate Bill No. 39—(Appropriations)**

Senate Bill No. 39. A Bill for an Act Making an Appro-

provision for the Care of Feeble Minded Whose Residence Cannot Be Determined and Whose Care Must Be Borne by the State.

Introduction, first reading and reference, 102.  
 Reported, 190.  
 Second reading, 219.  
 To House, 231, 1245.  
 Returned to Senate, 1138, 1325.  
 Signed by President, 1234.  
 Sent to Governor, 1349.

**Senate Bill No. 40—(Appropriations)**

Senate Bill No. 40. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the State Seed Department.

Introduction, first reading and reference, 102.  
 Reported, 151.  
 Other action or amendment, 1490.  
 Second reading, 193, 1479.  
 Returned to Senate, 1240, 1472, 1536.  
 To House, 224, 1341, 1354, 1390.  
 Signed by President, 1314, 1508.  
 Sent to Governor, 1578.

**Senate Bill No. 41—(Appropriations)**

Senate Bill No. 41. A Bill for an Act Making an Appropriation for the North Dakota Soldiers' Home at Lisbon, North Dakota; Providing for Reports and Deductions, and Declaring an Emergency.

Introduction, first reading and reference, 102.  
 Reported, 151.  
 Second reading, 167.  
 To House, 168, 173, 1181.  
 House action, 1139.  
 Returned to Senate, 1213, 1139.  
 Signed by President, 1234.  
 Sent to Governor, 1349.

**Senate Bill No. 42—(Appropriations)**

Senate Bill No. 42. A Bill for an Act Making an Appropriation for the Use and Benefit of the North Dakota Firemen's Association in Promoting Regional Fire Schools, and Other Activities of Such Association, as Provided for Under Chapter 137, Session Laws of 1935.

Introduction, first reading and reference, 103.  
 Reported, 159.  
 Second reading, 1466.  
 To House, 197, 1514.  
 Amended, 1432.  
 Returned to Senate, 1431, 1536.  
 Signed by President, 1508.  
 Sent to Governor, 1578.

**Senate Bill No. 43.—(Appropriations)**

Senate Bill No. 43. A Bill for an Act Making an Appropriation for the Purpose of Maintaining a State Employment Service, as Provided for Under Chapter 161, Session Laws of 1935.

Introduction, first reading and reference 103.

Reported, 159, 638.

Other action or amendment, 159, 181.

Second reading, 181.

Indefinitely postponed, 638.

**Senate Bill No. 44—(N. N. Nelson)**

Senate Bill No. 44. A Bill for an Act to Amend and Re-enact Chapter 35 of the Session Laws of the State of North Dakota for the Year 1921, Relating to Council Proceedings.

Introduction, first reading and reference, 103.

Reported, 269.

Indefinitely postponed, 269.

**Senate Bill No. 45.—(Ettestad)**

Senate Bill No. 45. A Bill for an Act Making an Appropriation for the Payment of Expenses to Be Incurred and Premiums Paid by the North Dakota State Turkey Show.

Introduction, first reading and reference, 103.

Reported, 235.

Other action or amendment, 235.

Second reading, 260.

To House, 266.

House action, 1085, indefinitely postponed.

Returned to Senate, 1085.

**Senate Bill No. 46—(Brostuen, Fowler, Coffey, Owings)**

Senate Bill No. 46. A Bill for an Act to Amend and Re-enact Section 2092a1, Supplement to the Compiled Laws of 1913, Relating to Tax Commissioner.

Introduction, first reading and reference, 103.

Reported, 237.

Other action or amendments, 237.

Amended, 260.

Second reading, 260.

To House, 323.

House action, 406, indefinitely postponed.

Returned to Senate, 406.

**Senate Bill No. 47—(McGillic, Mutchler, Trout, Young)**

Senate Bill No. 47. A Bill for an Act to Amend and Re-enact Sections 22, 23 and 24, of the Compiled Laws of North Dakota for 1913, and to Repeal Section 25 Thereof, Relating

to the Redistricting of the State of North Dakota Into Two Congressional Districts and Defining the Same.

Introduction, first reading and reference, 103.  
 Reported, 360.  
 Other action or amendments, 361.  
 Amended, 394.  
 Second reading, 393.  
 To House, 412.  
 House action, 463, indefinitely postponed.  
 Returned to Senate, 463.

**Senate Bill No. 48—(Skarvold, Greene, Nelson of Barnes)**

Senate Bill No. 48. A Bill for an Act to Amend and Re-enact Section 1164 of the Compiled Laws of the State of North Dakota for 1913, Pertaining to the Duties of the Clerks of Common School Districts, and Declaring an Emergency, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Introduction, first reading and reference, 113.  
 Reported, 133.  
 Second reading, 153, 578.  
 To House, 173, 686.  
 Returned to Senate, 284, 567, 699.  
 Signed by President, 673, 689.  
 Sent to Governor, 709.  
 Signed by Governor, 728.

**Senate Bill No. 49—(Chandall, Blaisdell)**

Senate Bill No. 49. A Bill for an Act to Amend and Re-enact Section 3306 of the Compiled Laws of the State of North Dakota for 1913, Relating to Interest on County Warrants.

Introduction, first reading and reference, 113.  
 Reported, 237.  
 Other action, 237. Indefinitely postponed.

**Senate Bill No. 50—(Blaisdell)**

Senate Bill No. 50. A Bill for an Act to Repeal Section 10185b of the Supplement to the Compiled Laws of 1913 Relating to Prohibiting Smoking in Specified Places.

Introduction, first reading and reference, 113.  
 Reported, 176.  
 Passed, 194.  
 To House, 224, 385.  
 Returned to Senate, 344, 409.  
 Signed by President, 384.  
 Sent to Governor, 464.

**Senate Bill No. 51—(Blaisdell)**

Senate Bill No. 51. A Bill for an Act to Amend and Re-

enact Section 3181 of the Compiled Laws of North Dakota for 1913 and Section 3185 of the Supplement to the Compiled Laws of 1913.

Introduction, first reading and reference, 114.  
 Reported, 175.  
 Other action of amendments, 175.  
 Second reading, 194.  
 To House, 224.  
 House action, indefinitely postponed.

**Senate Bill No. 52—(Appropriations)**

Senate Bill No. 52. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State School of Forestry, Bottineau, North Dakota.

Introduction, first reading and reference, 123.  
 Reported, 233.  
 Other action or amendments, 234, 1367.  
 Second reading, 258, 276.  
 To House, 323, 1127.  
 Returned to Senate, 1084, 1161.  
 Signed by President, 1127.  
 Sent to Governor, 1167, 1478.

**Senate Bill No. 53—(Appropriations)**

Senate Bill No. 53. A Bill for Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Normal and Industrial School at Ellendale, North Dakota.

Introduction, first reading and reference, 123.  
 Reported, 254.  
 Other action or amendments, 254, 1367.  
 Second reading, 277.  
 To House, 331, 1147.  
 House action, 1087.  
 Returned to Senate, 1087, 1162.  
 Signed by President 1127.  
 Sent to Governor, 1167, 1478.

**Senate Bill No. 54—(Appropriations)**

Senate Bill No. 54. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, New Building and Equipment for the State School of Science at Wahpeton, North Dakota.

Introduction, first reading and reference, 123.  
 Reported, 329.  
 Other action or amendments, 329, 1367.  
 Second reading, 351.  
 To House, 386, 1127.  
 House action, 1087.  
 Returned to Senate, 1087, 1162.  
 Signed by President, 1121.  
 Sent to Governor, 1167.

**Senate Bill No. 55—(Appropriations)**

Senate Bill No. 55. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items of the State Normal School at Valley City, North Dakota.

Introduction, first reading and reference, 123.  
 Reported, 1571.  
 Other action or amendments, 1042.  
 Second reading, 276, 1606.  
 To House, 332, 911.  
 House action, 887.  
 Returned to Senate, 887, 920.  
 Signed by President, 909.  
 Sent to Governor, 934.  
 Vetoed, 1042.

**Senate Bill No. 56—(Appropriations)**

Senate Bill No. 56. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Normal School, Mayville, North Dakota.

Introduction, first reading and reference, 123.  
 Reported, 287, 1572.  
 Other action or amendments, 288, 1044.  
 Second reading, 337.  
 To House, 356, 884.  
 House action, 856.  
 Returned to Senate, 919, 856.  
 Signed by President, 868, 884, 1315.  
 Sent to Governor, 934.  
 Vetoed, 1042.

**Senate Bill No. 57—(Appropriations)**

Senate Bill No. 57. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items of the State Normal School, Minot, North Dakota.

Introduction, first reading and reference, 124.  
 Reported, 234.  
 Other action or amendments, 234, 1354.  
 Second reading, 259, 1105.  
 To House, 281, 1160.  
 House action, 1061.  
 Returned to Senate, 1061, 1172.  
 Signed by President, 1156.  
 Sent to Governor, 1248, 1478.

**Senate Bill No. 58—(Appropriations)**

Senate Bill No. 58. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and

**Repairs, New Building, Equipment and Miscellaneous Expenses for the State Normal School, Dickinson, North Dakota.**

Introduction, first reading and reference, 124.  
 Reported, 256.  
 Other action or amendments, 256, 1354.  
 Second reading, 320, 1100.  
 To House, 332, 1127.  
 Amended, 1084.  
 Returned to Senate, 1084, 1162.  
 Signed by President, 1127.  
 Sent to Governor, 1164, 1478.

**Senate Bill No. 59—(Mutchler)**

Senate Bill No. 59. A Bill for an Act Prohibiting Dances in or on Premises, or Premises Adjacent to a Place Where Intoxicating Liquors are Sold as a Beverage; Defining the Duties of States Attorneys and Peace Officers; and Declaring an Emergency.

Introduction, first reading and reference, 138.  
 Reported, 365.  
 Other action or amendments, 366.  
 Amended, 504.  
 Second reading, 504.  
 To House, 545, 1460.  
 Returned to Senate, 1443, 1483.  
 Signed by President, 1460.  
 Sent to Governor, 1498.

**Senate Bill No. 60—(Nelson of Grand Forks)**

Senate Bill No. 60. A Bill for an Act to Amend and Re-enact Section 3835 of the Compiled Laws of 1913, Relating to the Recall of City Officials and Declaring an Emergency.

Introduction, first reading and reference, 138.  
 Reported, 269.  
 Other action or amendments, 299, indefinitely postponed.

**Senate Bill No. 61—(Young, Lavik)**

Senate Bill No. 61. A Bill for an Act to Define and Punish Kidnaping; Kidnaping of Children and Kidnaping for Ransom, Fixing Venue for Trial and Making Person Convicted of Kidnaping for Ransom Ineligible to Parole, Commutation of Sentence or Pardon, Except as Herein Provided, Repealing Section 9514 of the Compiled Laws of North Dakota, 1913, and All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Introduction, first reading and reference, 138.  
 Reported, 618.  
 Indefinitely postponed, 618.

**Senate Bill No. 62—(McGillic, Blaisdell, Nelson of Grand**

Senate Bill No. 62. A Bill for an Act to Create an Unem-



ployment Compensation Fund from Contributions by Employers for the Payment of Compensation for Involuntary Unemployment, to Provide for Merit Ratings for Employers, to Create an Unemployment Compensation Division in the Workmen's Compensation Bureau, to Transfer the North Dakota State Employment Service to the Workmen's Compensation Bureau as a Division Thereof, to Provide for Compensation With the Social Security Board of the United States of America, to Provide for an Employment Service Account and an Appropriation Therefor, Defining and Regulating the Administration of This Act, to Provide for Penalties for Violation of Said Act, and Declaring an Emergency.

Forks)

Introduction, first reading and reference, 138.

Reported, 466, 630, 1572, 1582.

Other action or amendments, 417, 466, 491, 630, 689, 835, 918, 1465.

Second reading, 918, 1604.

To House, 1001, 1613.

Amended, 1433.

Conference Committee, 1466, 1475, 1538, 1573, 1583, 1588.

Returned to Senate, 1433, 1613.

Signed by President, 1612.

Sent to Governor, 1614.

#### Senate Bill No. 63—(Brostuen)

Senate Bill No. 63. A Bill for an Act Establishing and Creating the North Dakota Regulatory Department, Providing for Appointment of a Director, Assistant Director and an Inspector of Said Regulatory Department, Fixing Their Salaries and Expenses, Providing for the Deposit of All Moneys Collected by Said Regulatory Department. Providing for the Duties of Said Director, Assistant Director and Inspector of Said Department, Transferring to Said Regulatory Department from the Officers Now Charged Therewith, the Enforcement of Said Regulatory Laws of This State, Imposing Certain Duties as to Inspection and Licensing of Weights and Measures and as to Collection of Certain Taxes and Providing for the Distribution of the Moneys Collected by the Regulatory Department to the Counties and State Equalization Fund. Repealing All Acts and All Parts of Acts in Conflict Herewith.

Introduction, first reading and reference, 139.

Reported, 782.

Other action or amendments, 782, 829, 860.

Second reading, 861.

To House, 894, indefinitely postponed.

Returned to Senate, 1137.

#### Senate Bill No. 64—(Appropriations)

Senate Bill No. 64. A Bill for an Act Making an Appropriation to Provide for the Payment of a Deficit in the Appropriation for Printing Expense of the Twenty-fourth Ses-

sion of the Legislative Assembly of the State of North Dakota, and Declaring an Emergency.

Introduction, first reading and reference, 152.  
 Reported, 191.  
 Amended, 220.  
 Second reading, 220.  
 To House, 232, 1180.  
 House action, 1139.  
 Returned to Senate, 1139, 1212.  
 Signed by President, 1177.  
 Sent to Governor, 1234.

**Senate Bill No. 65—(Stucke)**

Senate Bill No. 65. A Bill for an Act to Amend and Re-enact Section 6, of Chapter 108, of the Session Laws of 1935, Relating to Credit Unions in the State of North Dakota.

Introduction, first reading and reference, 152.  
 Reported, 413.  
 Second reading, 448.  
 To House, 515, 1160.  
 House action, 1086.  
 Returned to Senate, 1086, 1171.  
 Signed by President, 1156.  
 Sent to Governor, 1248.

**Senate Bill No. 66—(Strehlow, Whelan, Stucke)**

Senate Bill No. 66. A Bill for an Act to Regulate the Operation of Pharmacies, Require the Obtaining of Permit Therefor, Prescribing Certain Requirements with Respect Thereto, Providing for Rules and Regulations to Be Formulated by the North Dakota Board of Pharmacy; and Prescribing Penalties for Violation Thereof.

Introduction, first reading and reference, 153.  
 Reported, 554.  
 Other action or amendment, 554, 594, 1516.  
 Amended, 653.  
 Second reading, 653.  
 To House, 764, 1517, 1576, 1597.  
 Returned to Senate, 1538, 1595.  
 Signed by President, 1540.  
 Sent to Governor, 1611.

**Senate Bill No. 67—(Drew)**

Senate Bill No. 67. A Bill for an Act Exempting from any Tax Upon the Sale of Personal Property, Sales of Equipment, Medicine, Drugs or Building Materials or Supplies to Institutions of Public Charity, Including Public Hospitals Under Control of Religious or Charitable Societies, Although Contract or Agreement to Purchase Such Property was Previously Entered Into; and Declaring an Emergency.

Introduction, first reading and reference, 168.  
 Reported, 238.  
 Other action or amendment, 238.  
 Second reading, 262.  
 To House, 281.  
 House action, 408, indefinitely postponed.  
 Returned to Senate, 408.

**Senate Bill No. 68—(Fowler)**

Senate Bill No. 68. A Bill for an Act in Relation to Public Welfare and Social Security; to Provide for Public Aid to Dependent Children, and Prescribing the Duties of the State Public Welfare Board and the County Welfare Boards in the Administration Thereof, and Declaring an Emergency, and Repealing Chapter 165 of the Laws of 1925, Sections 2546a1 to 2546a10, Inclusive, of the 1925 Supplement to the 1913 Compiled Laws of North Dakota.

Introduction, first reading and reference, 168.  
 Reported, 264.  
 Other action or amendment, 265, 1475.  
 Second reading, 331, 1454.  
 To House, 357, 1515.  
 Amended, 1432.  
 Returned to Senate, 1536, 1432.  
 Signed by President, 1510.  
 Sent to Governor, 1578.

**Senate Bill No. 69—(Blaisdell)**

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Senate Bill No. 69. A Bill for an Act to Amend and Re-enact Section 3585 of the Compiled Laws of 1913 Relating to the Qualifications of City Aldermen, Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Introduction, first reading and reference, 173.  
 Reported, 141, 269.  
 Other action or amendment, 269, 322.  
 Second reading, 322.  
 Sent to House, 332, 686.  
 Returned to Senate, 582, 698.  
 Signed by President, 673, 686.  
 Sent to Governor, 709.  
 Signed by Governor, 728.

**Senate Bill No. 70—(Taxes and Tax Laws)**

Senate Bill No. 70. A Bill for an Act Providing for and Relating to the Taxation of Individuals, Fiduciaries and Corporations; Prescribing the Rates Which Shall Be Paid with Respect to Net Income as Defined in Article 35 of Chapter 34 of Political Code of the Supplement to the Compiled Laws of 1913 and Acts Amendatory Thereof; Providing When Losses May Be Deducted; Providing for Exemptions and Credit Upon Tax; Providing for Date of Effect and to Amend and Re-enact Section 2346a23 of the Supplement to the Com-

piled Laws of 1913; and to Amend and Re-enact Section 2346a25 of the Supplement to the Compiled Laws of 1913; and Subsection 4 of Section 4 of Section 2346a18 of the Supplement to the Compiled Laws of 1913 as Amended by Chapter 283, Session Laws, 1931; Providing for Making the Tax a Lien; Providing for Field Auditors; Providing for the Repeal of Paragraph "B" of Subsection 4 of Section 6 of Chapter 283 of the 1931 Session Laws; Making a Saving Clause and Declaring an Emergency.

Introduction, first reading and reference, 178.

Reported, 941.

Other action, 941, 987, 1204, 1273, 1482, 1485, 1517, 1665, 1678, 1680, 1554, 1567.

Second reading, 975, 1271, 1519.

Sent to House, 1000, 1551.

Conference Committee, 1272, 1483.

Returned to Senate, 1195, 1609.

Signed by President, 1540, 1551.

Sent to Governor, 1614.

#### Senate Bill No. 71—(Taxes and Tax Laws)

Senate Bill No. 71. A Bill for an Act Making an Appropriation to Pay the Salary, Travel Expense and Miscellaneous Items of the State Transportation Officer.

Introduction, first reading and reference, 178.

Reported, 505.

Other action, 515, indefinitely postponed.

#### Senate Bill No. 72—(Olson)

Senate Bill No. 72. A Bill for an Act Relating to the Foreclosure of Real Estate Mortgages and Land Contracts, Providing What the Judgment and Decree Shall Contain, and Prohibit any Deficiency Judgments.

Introduction, first reading and reference, 178.

Reported, 527, 591.

Other action, 254, 527.

Amended, 565.

Second reading, 565.

Sent to House, 591, 1127.

Returned to Senate, 1062, 1162.

Signed by President, 1127.

Sent to Governor, 1167.

#### Senate Bill No. 73—(Appropriations)

Senate Bill No. 73. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, New Building, Equipment and Miscellaneous Items for the Grafton State School at Grafton, North Dakota.

Introduction, first reading and reference, 178.

Reported, 432.

Other action, 432, 1150, 1151.

Second reading, 512, 1150.  
To House, 545, 1341.  
Amended, 1140.  
Returned to Senate, 1140, 1369.  
Signed by President, 1312.  
Sent to Governor, 1498.

**Senate Bill No. 74—(Appropriations)**

Senate Bill No. 74. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Training School, Mandan, North Dakota.

Introduction, first reading and reference, 178.  
Reported, 434.  
Other action or amendment, 433, 1475.  
Second reading, 500, 1473.  
To House, 545, 1515.  
Amended, 1435.  
Conference Committee, 1452, 1473.  
Returned to Senate, 1435, 1536.  
Signed by President, 1510.  
Sent to Governor, 1578.

**Senate Bill No. 75—(Appropriations)**

Senate Bill No. 75. A Bill for an Act Making an Additional Appropriation to Care for the Operating Expenses of the 1935-1937 Biennium of the State Training School, Mandan, North Dakota, and Declaring an Emergency.

Introduction, first reading and reference, 178.  
Reported, 434.  
Second reading, 500.  
To House, 545, 1491.  
Returned to Senate, 1437, 1534.  
Signed by President, 1510.  
Sent to Governor, 1578.

**Senate Bill No. 76—(Appropriations)**

Senate Bill No. 76. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the State Highway Department.

Introduction, first reading and reference, 178.  
Reported, 689.  
Other action, 689.  
Second reading, 768.  
To House, 846, 1180.  
House action, 1139.  
Returned to Senate, 1139, 1212.  
Signed by President, 1177.  
Sent to Governor, 1234.

**Senate Bill No. 77—(Appropriations)**

Senate Bill No. 77. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the Workmen's Compensation Bureau.

Introduction, first reading and reference, 179.  
 Reported, 346.  
 Other action, 346.  
 Second reading, 374.  
 To House, 405, 884.  
 House action, 847.  
 Returned to Senate, 847, 919.  
 Signed by President, 868, 884.  
 Sent to Governor, 934.

**Senate Bill No. 78—(Appropriations)**

Senate Bill No. 78. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the Game and Fish Department.

Introduction, first reading and reference, 179.  
 Reported, 362.  
 Other action, 362.  
 Second reading, 396.  
 To House, 428, 1181.  
 House action, 1139.  
 Returned to Senate, 1139, 1213.  
 Signed by President, 1177.  
 Sent to Governor, 1610, 1234.  
 Vetoed, 1481 (Partial).

**Senate Bill No. 79—(Taxes and Tax Laws)**

Senate Bill No. 79. A Bill for an Act Providing for the Regulation, Supervision and Control of the Transportation of Persons and Property by Motor Vehicles Upon the Public Highways of This State, and Prescribing Compensation to Be Paid for the Unusual Use of Such Highways, and Providing for the Disposition of Funds Derived Hereunder, and Providing for the Administration Hereof, and Repealing All Acts in Conflict Herewith.

Introduction, first reading and reference, 179.  
 Reported, 721.  
 Other action, 439, 719, 721, 826, 639.  
 Amended, 969.  
 Second reading, 826, 968.  
 Lost, 970.

**Senate Bill No. 80—(Taxes and Tax Laws)**

Senate Bill No. 80. A Bill for an Act to Equalize Taxation and Replace in Part the Tax on Property; to Provide the Public Revenue to Be Used by Such Replacement by Imposing a Tax on the Gross Receipts from Retail Sales as Defined

Herein; to Provide for the Collection of Such Tax, the Distribution and Use of the Revenue Derived Therefrom, and the Administration of Said Law; to Provide for Certain Deductions and Exemptions; Establishing a Lien for the Payment of Such Tax; to Fix Fines and Penalties for the Violation of the Provisions of This Act; to Repeal all Laws or Parts of Laws in Conflict Herewith and Declaring an Emergency.

Introduction, first reading and reference, 179.  
 Reported,  
 Other action, 987.  
 Second reading, 1561.  
 To House, 1007, 1464, 1472, 1598.  
 House action, 1553.  
 Returned to Senate, 1444, 1553, 1599.  
 Signed by President, 1598.  
 Sent to Governor, 1611.

**Senate Bill No. 81—(Appropriations)**

Senate Bill No. 81. A Bill for an Act Making an Appropriation for the Lutheran Welfare Society of North Dakota, Providing the Methods of Expenditure and Audit Thereof; Supervision and Inspection Therefor.

Introduction, first reading and reference, 191.  
 Reported, 347.  
 Other action, 347.  
 Second reading, 375, 1546.  
 To House, 405, 1597.  
 Amended, 1084.  
 Conference Committee, 1148, 1163, 1172, 1199, 1272, 1324, 1475, 1492.  
 Returned to Senate, 1084, 1599.  
 Signed by President, 1596.  
 Sent to Governor, 1611.

**Senate Bill No. 82—(Thorson)**

Senate Bill No. 82. A Bill for an Act Declaring the Law of the State of North Dakota With Reference to the Extent to Which Lands Used and Usable for Farming and Ranching Purposes in This State May Lawfully Be Charged With Tax Obligations, and Providing for an Over-all Limitation on the Tax Charges in Money Which May Lawfully Be Spread Against Such Lands, and Providing a Remedy for Past and Future Excessive Charges, Declaring an Emergency.

Introduction, first reading and reference, 192.  
 Reported, 782.  
 Other action, 845, 907, 1004, 1099, 1005, 1035, 1099.  
 Second reading, 907, 965, 1005.  
 To House, 1008.

**Senate Bill No. 83—(Cain, Young, Coffey, Thatcher)**

Senate Bill No. 83. A Bill for an Act Providing for Relief in Certain Cases During the Emergency Declared to Exist

From Foreclosure of Mortgages or Other Liens on Real Estate, and Execution Sales of Real Estate, and Cancellation of Contracts for the Sale of Real Property, Eviction of Tenants from Real Estate, and for Postponing Certain Sales and Extending the Period of Redemption from Certain Sales, and Relating to the Jurisdiction and Procedure for Such Relief, and for the Right to Possession During the Extended Period, and Limiting the Right to Emergency Actions for Deficiency Judgment, and for Extending the Expiration of Certain Periods of Redemption to Thirty Days After the Passage of this Act; Repealing All Acts Inconsistent Herewith and Declaring an Emergency.

Introduction, first reading and reference, 192.  
Reported, 251.  
Other action,  
Second reading, 274.  
To House, 332, 686.  
Returned to Senate, 536, 699.  
Signed by President, 672, 686.  
Sent to Governor, 709.  
Signed by Governor, 728.

**Senate Bill No. 84—(Brostuen)**

Senate Bill No. 84. A Bill for an Act to Amend and Re-enact Section 8247a21 of the 1925 Supplement to the Compiled Laws, North Dakota, 1913, Relating to Lien of Assessments in Irrigation Districts, Giving the Same Equality as Liens with General Taxes and Sale Thereof, Repealing All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Introduction, first reading and reference, 192.  
Reported, 237.  
Second reading, 262.  
To House, 281, 461.  
Returned to Senate, 407, 502.  
Signed by President, 458.  
Sent to Governor, 535.

**Senate Bill No. 85—(Strehlow)**

Senate Bill No. 85. A Bill for an Act to Amend Chapter 94 of the Laws of 1935, Relating to Loans and Investments Under the National Housing Act so as to Make Mortgages Insured and Debentures Issued by the Federal Housing Administrator Eligible for Deposit; and for Clarification Purposes.

Introduction, first reading and reference, 192.  
Reported, 413.  
Second reading, 450.  
To House, 515, 1426.  
Returned to Senate 1241, 1505.  
Signed by President, 1412.  
Sent to Governor, 1578.



**Senate Bill No. 86—(Crandall and Greene)**

Senate Bill No. 86. A Bill for an Act Providing for the Extermination of Bots in Horses and Mules; Defining Bot Treatment; Prescribing the Duties of Township Boards When Petitioned.

Introduction, first reading and reference, 193.  
Reported,  
Second reading, 397.  
To House, 428, 911.  
House action, 887.  
Returned to Senate, 887, 920.  
Signed by President, 909, 1177.  
Sent to Governor, 934.

**Senate Bill No. 87—(Guthrie)**

Senate Bill No. 87. A Bill for an Act Providing for the Application to Highway Purposes of All Special Taxes on Motor Vehicle Transportation and Declaring an Emergency.

Introduction, first reading and reference, 228.  
Reported, 268.  
Amended, 321.  
Second reading, 321.  
To House, 332, 633.  
Returned to Senate, 582, 652.  
Signed by President, 633.  
Sent to Governor, 670.

**Senate Bill No. 88—(Magoffin)**

Senate Bill No. 88. A Bill for an Act Making Unlawful Certain Discriminations in Price, in Services or Facilities Furnished, or in Payment for Services or Facilities to Be Rendered, in Connection with the Sale of Commodities in the Course of Trade or Commerce, and Providing Certain Remedies for Violation.

Introduction, first reading and reference, 228.  
Reported, 364.  
Amended, 364, 397.  
Second reading, 397, 418.  
To House, 419.  
House action, 1243, indefinitely postponed.  
Returned to Senate, 1243.

**Senate Bill No. 89—(Lowe)**

Senate Bill No. 89. A Bill for an Act to Amend and Re-enact Section 3644 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Duties of City Boards of Equalization.

Introduction, first reading and reference, 228.  
Reported.  
Second reading, 272.  
To House, 332, 461.

To Senate, 407, 501.  
Signed by President, 458.  
Sent to Governor, 535.

**Senate Bill No. 90—(Drew)**

Senate Bill No. 90. A Bill for an Act to Amend and Re-enact Section 3801 of the Compiled Laws of North Dakota for the Year 1913, Relating to Officers Under the Commission Form of Government, and Declaring an Emergency.

Introduction, first reading and reference, 229.  
Reported, 361.  
Other action, 361, indefinitely postponed.

**Senate Bill No. 91—(Aasen)**

Senate Bill No. 91. A Bill for an Act to Amend and Re-enact Section 9660 of the Compiled Laws of 1913 Defining a Lottery.

Introduction, first reading and reference, 229.  
Reported, 252.  
Second reading, 275, 377.  
To House, 405, 1341.  
To Senate, 1191.  
Signed by President, 1315.  
To Governor, 1498.

**Senate Bill No. 92—(Nelson of Grand Forks)**

Senate Bill No. 92. A Bill for an Act to Repeal Chapter 174, Session Laws of 1933, Relating to the Recall of Elective Officials in Cities.

Introduction, first reading and reference, 229.  
Reported, 252.  
Other action, 252, indefinitely postponed.

**Senate Bill No. 93—(Crandall, McGillic)**

Senate Bill No. 93. A Bill for an Act to Amend and Re-enact Section Four (4) of Chapter 104 of the Laws of North Dakota for the Year 1933, Relating to the Granting and Revocation of Licenses to Practice Dentistry, Setting Forth the Grounds for the Revocation Thereof and Defining Unprofessional Conduct.

Introduction, first reading and reference, 229.  
Reported, 287.  
Other action, 287.  
Amended, 336.  
Second reading, 336.  
To House, 349, 633.  
To Senate, 568, 652.  
Signed by President, 633.  
Sent to Governor, 670.  
Approved by Governor, 776.

**Senate Bill No. 94—(Drew, Watt, Crandall)**

Senate Bill No. 94. A Bill for an Act Providing for the Granting of Concessions in State, County, and Municipal Public Buildings and the Grounds Adjacent Thereto, for Cafes, Restaurants, and Confectionaries; and, Providing for the Leasing, Renting, and Licensing of Such Public Concessions, and Making it Unlawful for Any State Official, County Official, Municipal Official, and Any Commission or Board Thereof, to Let Anyone Have the Use and Benefits of Any Such Concessions Without Having Complied With the Provisions of This Act, and Providing a Penalty Therefor; and Making This Act an Emergency Measure.

Introduction, first reading and reference, 229.  
 Reported, 390.  
 Amended, 390.  
 Second reading, 421.  
 To House, 462.  
 House action, 1244, indefinitely postponed.  
 To Senate, 1244.

**Senate Bill No. 95—(Taxes and Tax Laws)**

Senate Bill No. 95. A Bill for an Act Providing for the Adjustment and Payment of Delinquent Real and/or Personal Property Taxes, Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Introduction, first reading and reference, 229.  
 Reported.

**Senate Bill No. 96—(Guenther, Thatcher, Gronvold, Lemke)**

Senate Bill No. 96. A Bill for an Act Appropriating Six Thousand Dollars (\$6,000.00) to the State Historical Society for the Development of the International Peace Garden on the American Side in Rollette County, North Dakota.

Introduction, first reading and reference, 230.  
 Reported, 532.  
 Amended, 571.  
 Second reading, 571.  
 To House, 614, 1181.  
 To Senate, 1212.  
 President, signed, 1234.  
 Sent to Governor, 1349.  
 Vetoed, 1481 (Partial).

**Senate Bill No. 97—(Taxes and Tax Laws)**

Senate Bill No. 97. A Bill for an Act to Provide for the Collection of Delinquent Taxes Levied and Assessed Upon Real and/or Personal Property from the Rents, Issues and Income Thereof by Means of Receivership. Repealing All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

Introduction, first reading and reference, 230.  
Reported, 289.  
Other action, 389.  
Second reading, 419.  
To House, 420, 421.  
House action, 847, indefinitely postponed.

**Senate Bill No. 98—(Women's and Children's Welfare)**

Senate Bill No. 98. A Bill for an Act to Promote the Public Welfare by Providing Aid to the Needy Blind.

Introduction, first reading and reference, 239.  
Reported, 365.  
Other action, 416, 731, 1475.  
Second reading, 398, 416, 1456.  
To House, 462, 1541.  
Amended, 1433.  
To Senate, 1433, 1559.  
Signed by President, 1526.  
Sent to Governor, 1579.

**Senate Bill No. 99—(Mutchler, Kamrath, Cain, Fine)**

Senate Bill No. 99. A Bill for an Act Appropriating Money for the School of Mines at the University of North Dakota, to Supplement Federal Funds for the Investigation and Development of the Mineral Resources Within the Bounds of the State of North Dakota.

Introduction, first reading and reference, 239.  
Reported, 434.  
Other action, 434.  
Second reading, 502.  
To House, 545, 1491.  
To Senate, 1437, 1534.  
Signed by President, 1484.  
Sent to Governor, 1578.

**Senate Bill No. 100—(Coffey)**

Senate Bill No. 100. A Bill for an Act to Amend Section 3696a of the Supplement to the Compiled Laws of 1913, Relating to Liability of Municipalities for Injuries Caused by Accumulation of Frost, Snow, Ice or Sleet on Public Sidewalks, Crosswalks, Streets, Alleys or Other Public Ways and Exempting Municipalities from Liability for Injuries to Person or Property Occurring in Whole or in Part Upon State or National Highways Within Such Municipalities.

Introduction, first reading and reference, 271.  
Reported,  
Second reading, 395.  
To House, 427.  
Returned to Senate, 616, indefinitely postponed.

**Senate Bill No. 101—(Guthrie)**

Senate Bill No. 101. A Bill for an Act to Amend and Re-

enact Chapter 208 of the Session Laws of North Dakota for the Year 1935, Relating to Tax Limitations of Cities.

Introduction, first reading and reference, 271  
 Reported, 435.  
 Second reading, 503.  
 To House, 546, 1426.  
 Returned to Senate, 1191, 1506.  
 Signed by President, 1409.  
 Sent to Governor, 1578.

**Senate Bill No. 102—(Coffey)**

Senate Bill No. 102. A Bill for an Act Granting Certain Powers to the Governing Boards of Cities and Villages.

Introduction, first reading and reference, 271.  
 Reported, 555, indefinitely postponed.

**Senate Bill No. 103—(Whelan, Cain, Fowler, Nelson of Grand Forks)**

Senate Bill No. 103. A Bill for an Act Defining and Relating to Narcotic Drugs; Specifying the Persons Who May Sell, Prescribe, and Have Such Drugs in Their Possession; Establishing Regulations for the Manufacture and Sale Prescription; Providing for License; Fixing Penalty for Violation of the Law and Repealing All Acts in Conflict Herewith.

Introduction, first reading and reference, 271.  
 Reported, 638.  
 Other action, 679, 731, indefinitely postponed.

**Senate Bill No. 104—(Appropriations)**

Senate Bill No. 104. A Bill for an Act Making an Appropriation for the Evangelical Lutheran Good Samaritan Society at Fargo, North Dakota, for the Care and Education of Crippled Children.

Introduction, first reading and reference, 271.  
 Reported, 346.  
 Second reading, 373, 1547.  
 To House, 404.  
 Conference Committee, 1149, 1163, 1172, 1199, 1221, 1274, 1324, 1475, 1494.  
 Returned to Senate, 1084, 1594.  
 Signed by President, 1591.  
 To Governor, 1599.

**Senate Bill No. 105—(Stucke)**

Senate Bill No. 105. A Bill for an Act to Amend and Re-enact Section 8, of Chapter 108, of the Session Laws of 1935, Relating to Credit Unions in the State of North Dakota.

Introduction, first reading and reference, 271.  
 Reported, 590.  
 Second reading, 655.

To House, 764, 1341.  
 Returned to Senate, 1241, 1369.  
 Signed by President, 1313.  
 To Governor, 1498.

**Senate Bill No. 106—(Cain, Coffey)**

Senate Bill No. 106. A Bill for an Act to Amend and Re-enact Section 7792 of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 154 of the Session Laws of North Dakota, for 1933, Relating to the Amount of Costs on Foreclosure of Liens, Who Entitled Thereto, Prohibiting the Division of Attorney Fees, Prescribing Penalty for Violation, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Introduction, first reading and reference, 272.  
 Reported, 349.  
 Other action, 439.  
 Second reading, 376.  
 To House, 405, 911, House action, 847.  
 Returned to Senate, 847, 920.  
 Signed by President, 909.  
 To Governor, 934.

**Senate Bill No. 107—(Coffey)**

Senate Bill No. 107. A Bill for an Act to Amend and Re-enact Section 7971, Compiled Laws of 1913, Relating to Actions of quo warranto Against Usurping Officers and Others.

Introduction, first reading and reference, 272.  
 Reported, 414.  
 Other action, 439.  
 Second reading, 508.  
 To House, 546.  
 Returned to Senate, 1243, indefinitely postponed.

**Senate Bill No. 108—(Kroeber, Lavik, Trout, Nelson of Grand Forks)**

Senate Bill No. 108. A Bill for an Act Requiring an Appropriation by the Legislature, Before Any Expenditure Can Be Made or Liability Incurred for Advertising by the State, or Any of Its Institutions, Departments or Enterprises.

Introduction, first reading and reference, 272.  
 Reported, 362.  
 Other action, 362.  
 Second reading, 395.  
 To House, 428.  
 Returned to Senate, 1244, indefinitely postponed.

**Senate Bill No. 109—(Nelson of Grand Forks)**

Senate Bill No. 109. A Bill for an Act to Permit County Welfare Boards to Establish Dental Clinics and Provide

Dental Services, and to Make Regulations as to the Persons Entitled Thereto.

Introduction, first reading and reference, 317.

Reported, 412, indefinitely postponed.

**Senate Bill No. 110—(Strehlow, Guthrie, Lowe)**

Senate Bill No. 110. A Bill for an Act Validating, Ratifying, Approving, and Confirming Certain Bonds and Other Instruments or Obligations Heretofore Issued, and Validating, Ratifying, Approving and Confirming Certain Proceedings Heretofore Taken, by Public Bodies in This State.

Introduction, first reading and reference, 317.

Reported, 590.

Other action, 656, 690, 768.

Second reading, 840.

To House, 886, 1491.

Returned to Senate, 1436, 1534.

Signed by President, 1484.

Sent to Governor, 1578.

**Senate Bill No. 111—(Strehlow, Guthrie, Lowe)**

Senate Bill No. 111. A Bill for an Act Authorizing Municipalities to Acquire, Construct, Re-construct, Improve, Better, and Extend Certain Revenue-producing Undertakings; to Maintain and Operate the Same and to Prescribe, Revise and Collect Rates, Fees, Tolls, and Charges for the Services, Facilities, and Commodities Furnished Thereby, and, in Anticipation of the Collection of the Revenues Thereof, to Issue Bonds Payable Solely From Such Revenues; Regulating the Issuance of Such Bonds and Providing for Their Payment and for the Rights of the Holders Thereof, and Other Matters Necessary in the Premises; and Declaring an Emergency.

Introduction, first reading and reference, 318.

Reported, 645.

Other action, 694.

Amended, 645, 771.

Second reading, 770.

To House, 846, 1341.

Returned to Senate, 1240, 1371.

Signed by President, 1312.

Sent to Governor, 1498.

**Senate Bill No. 112—(Strehlow, Guthrie, Lowe)**

Senate Bill No. 112. A Bill for an Act Simplifying the Procedure for the Construction and Financing of Public Works Projects by Municipalities, Enabling Municipalities to Make and Perform Contracts With Federal Agencies Relating to the Construction and Financing of Such Projects and Confering Additional Power Upon Municipalities; and Declaring an Emergency.

Introduction, first reading and reference, 318.

Reported, 636.

Second reading, 703.

To House, 704, 1342.

Returned to Senate, 1241, 1371.  
Signed by President, 1313.  
To Governor, 1498.

**Senate Bill No. 113—(Strehlow, Guthrie, Lowe)**

Senate Bill No. 113. A Bill for an Act to Authorize and Regulate the Issuance of Bonds for the Purpose of Refinancing or Refinancing and Improving, Revenue-producing Works, Undertakings, and Projects by Cities, Villages and Towns, and to Provide for the Payment of Such Bonds, the Remedies of Holders Thereof; and Declaring an Emergency.

Introduction, first reading and reference, 318.  
Reported, 815.  
Other action, 690, 691, 871.  
Amended, 815.  
Second reading, 871, 879.  
To House, 926, 1426.  
Returned to Senate, 1241, 1505.  
Signed by President, 1412.  
Sent to Governor, 1578.

**Senate Bill No. 114—(Strehlow, Guthrie, Lowe)**

Senate Bill No. 114. A Bill for an Act to Declare the Necessity of Creating Public Bodies Corporate and Politic to Be Known as Housing Authorities to Undertake Slum Clearance and Projects to Provide Dwelling Accommodations for Persons of Low Income; to Create Such Housing Authorities in Cities Having a Population of More Than 5000 Inhabitants and in Counties; to Define the Powers and Duties of Housing Authorities and to Provide for the Exercise of Such Powers, Including Acquiring Property, Borrowing Money, Issuing Bonds and Other Obligations, and Giving Security Therefor; to Provide that Housing Authorities May Obtain the Attorney General's Opinion Upon Their Bonds; to Provide that Housing Authorities, Their Property and Securities Shall be Exempt From Taxation and Assessment, But to Authorize Certain Payments in Lieu of Taxes; to Confer Remedies on Obligees of Housing Authorities; and to Declare an Emergency.

Introduction, first reading and reference, 318.  
Reported, 816.  
Other action, 871.  
Second reading, 871, 880.  
To house, 926, 1541.  
Returned to Senate, 1435, 1560.  
Signed by President, 1526.  
To Governor, 1578.

**Senate Bill No. 115—(Strehlow, Guthrie, Lowe)**

Senate Bill No. 115. A Bill for an Act to Authorize Cities, Towns, Villages, Counties, and Other Public Bodies to Aid Housing Projects of Housing Authorities or of the United States of America by Furnishing Parks, Playgrounds, Streets, and Other Improvements and Facilities, by Exercising Cer-



tain Other Powers and by Making Agreements Relating to Such Aid; to Authorize Cities, Towns, Counties and Other Political Subdivisions to Contract With Respect to the Sums to Be Paid Them for Improvements, Services and Facilities to Be Provided for the Benefit of Housing Projects; to Require Certain Cities and Counties to Make an Appropriation for the First Year's Administrative Expenses of Housing Authorities; to Authorize Certain Cities, Towns and Counties to Pay Moneys to Housing Authorities; and to Declare an Emergency.

Introduction, first reading and reference, 319.  
Indefinitely postponed, 816.

**Senate Bill No. 116—(Strehlow, Guthrie, Lowe)**

Senate Bill No. 116. A Bill for an Act to Amend and Re-enact Section 8203, Supplement to the Compiled Laws of 1913, Relating to the Right to Exercise Eminent Domain, and Declaring an Emergency.

Introduction, first reading and reference, 319.  
Reported, 816.  
Second reading, 865, 871.  
To House, 926.  
Returned to Senate, 1499, indefinitely postponed.

**Senate Bill No. 117—(Blaisdell, Stucke)**

Senate Bill No. 117. A Bill for an Act Giving and Granting Unto the Board of Railroad Commissioners of the State of North Dakota the Authority, Power, and Jurisdiction to Regulate and Supervise Employment, and Places of Employment, for the Protection of the Life, Health, Safety and Welfare of the Employees in the Employ of Public Service Corporations Over Which Said Board of Railroad Commissioners Have Jurisdiction; Declaring an Emergency.

Introduction, first reading and reference, 319.  
Reported, 435.  
Other action, 435, 495.  
Withdrawn, 612.

**Senate Bill No. 118—(Nelson of Grand Forks)**

Senate Bill No. 118. A Bill for an Act Making an Appropriation for Salaries and Expenses of the State Geological Survey and for Co-operation of United States Geological Survey.

Introduction, first reading and reference, 319.  
Reported, 528, 741.  
Other action, 528, 594, 642, 741.  
Second reading, 568, 820.  
To House, 885, 1491.  
Returned to Senate, 1436, 1534.  
Signed by President, 1484.  
Sent to Governor, 1578.

**Senate Bill No. 119—(Committee on Insurance)**

**Senate Bill No. 119.** A Bill for an Act Regulating All Benevolent Corporations, Associations or Societies Operating on Voluntary or Involuntary Assessment or Contribution Plan, Which Provide for Protective and/or Indemnity Benefits, Excepting Benevolent Corporations as Defined by Chapter 23, Compiled Laws of 1931, and for the Repeal of Chapter 160 of the Session Laws of 1931, and Acts or Parts of Acts in Conflict Herewith.

Introduction, first reading and reference, 320.  
 Reported, 422.  
 Other action, 422.  
 Amended, 454.  
 Second reading, 454.  
 To House, 515, 1181.  
 Returned to Senate, 1084, 1213.  
 Signed by President, 1177.  
 To Governor, 1234.

**Senate Bill No. 120—(Committee on Highways)**

**Senate Bill No. 120.** A Bill for an Act Providing for the Supervision and Regulation by the Board of Railroad Commissioners of the State of North Dakota, of the Transportation of Persons and Property Over North Dakota Public Highways by Motor Propelled Vehicles, Defining and Classifying Transportation by Motor Propelled Vehicles Affected Hereby and Providing for the Enforcement of the Provisions of this Act and for Penalties for the Violation Thereof, Repealing All of Section 2976V1 to 2976V16 Inclusive, Being Article 55b of Chapter 38 of the Political Code of the State of North Dakota of the 1925 Supplement to the 1913 Compiled Laws of the State of North Dakota, and Chapter 90 of the Session Laws of 1927; Chapter 148 of the Session Laws of 1929; Chapter 188 of the Session Laws of 1931; Chapter 164 of the Session Laws of 1933; Chapter 179 of the Session Laws of 1935, and Chapter 182 of the Session Laws of 1935; and All Other Acts or Parts of Acts in Conflict With This Act, and Declaring an Emergency.

Introduction, first reading and reference, 320.  
 Other action, 710, 785, 855, 879.  
 Amended, 878.  
 Second reading, 967.  
 To House, 1000.  
 House action, 1500.  
 Returned to Senate, 1500, indefinitely postponed.

**Senate Bill No. 121—(Olson)**

**Senate Bill No. 121.** A Bill for an Act Making It Unlawful to Possess, or Have in Possession, an Open Unsealed or Broken Container, Bottle or Vessel Containing Intoxicating Liquors; to Use, Drink or Give Away or Permit the Same to Be Done, in Any Motor Vehicle While Upon the High-

ways, Streets, Alleys, or Public Places in the State of North Dakota or Consent Thereto; Prescribing Penalty and Declaring an Emergency.

Introduction, first reading and reference, 333.  
 Reported, 529.  
 Other action, 439.  
 Indefinitely postponed, 529.

**Senate Bill No. 122—(Thatcher, Ettestad)**

Senate Bill No. 122. A Bill for an Act to Make More Effective the Purposes of the Primary Election Laws; to Permit All Considerable Groups Within a Political Party to Have Their Favorite Candidates Presented Fairly to the Party Voters; Fixing Dates for Holding Party Precinct Committeemen Meetings and Party Conventions and Regulating Procedure Therein; Providing for the Election of Party Delegates to a State Convention and for Other Purposes.

Introduction, first reading and reference, 333.  
 Reported, 529, 603, 731.  
 Other action, 568, 603.  
 Second reading, 569.  
 Indefinitely postponed, 732.

**Senate Bill No. 123—Taxes and Taxe Laws)**

Senate Bill No. 123. A Bill for an Act Amending and Re-enacting Chapter 106, Session Laws of North Dakota for 1927 as Amended by Chapter 105, Session Laws of 1931, Relating to the Sale of Cigarettes, Cigarette Papers and Wrappers and Papers Used and Prepared for Making of Cigarettes; Providing for Issuing of Licenses for the Purpose of Making Sales Thereof and Furnishing of Bond; Providing for the Levy, Assessment, Collection and Payment of Tax Thereon; Providing for the Regulation of the Sales Thereof and Penalty for Violation of This Act; Defining the Duties of the State Tax Commissioner, the State Auditor and State Treasurer Imposed Under the Provisions of This Act; Providing Any Person Violating This Act Shall Be Enjoined and That Any Building or Premises Made Use of for Purposes in Violation of This Act Shall Be Deemed a Nuisance and Abated by Injunction; and to Include Snuff Within the Provisions and Requirements Thereof.

Introduction, first reading and reference, 334.  
 Indefinitely postponed, 873.

**Senate Bill No. 124—(Cain, Lemke, Young, Topp)**

Senate Bill No. 124. A Bill for an Act Providing for the Employment of a Fire Department Instructor; Prescribing the Qualifications of Such Instructor and the Duties Thereof; Providing for Salary and Expenses of, and Fees to Be Charged by Such Instructor; Requiring Reports and Providing an Appropriation to Carry Out the Provisions of This Act.

Introduction, first reading and reference, 334.  
 Reported, 529, 784.  
 Other action, 529, 784.  
 Second reading, 830.  
 To House, 1491, 885.  
 Returned to Senate, 1437, 1535.  
 Signed by President, 1484.  
 To Governor, 1578.

**Senate Bill No. 125—(Vinje, Blaisdell)**

Senate Bill No. 125. A Bill for an Act to Amend and Re-enact Section 951, Compiled Laws of North Dakota of the Year 1913, as Amended by Chapter 136 of the Session Laws of 1927; Providing for Inspectors and Judges of Election, Their Qualifications and Duties.

Introduction, first reading and reference, 334.  
 Reported, 491, 529.  
 Other action, 491, 529.  
 Amended, 569.  
 Second reading, 569.  
 To House, 614.  
 House action, 1086, indefinitely postponed.

**Senate Bill No. 126—(Johnson, Lian)**

Senate Bill No. 126. A Bill for an Act to Amend and Re-enact Section 852 of the Supplement to the Compiled Laws of 1913, Relating to the Holding of Primary Elections and Repealing All Acts or Parts of Acts in Conflict Herewith.

Introduction, first reading and reference, 334.  
 Reported, 390, 852.  
 Other action, 422.  
 Second reading, 900.  
 To House, 901, 1182.  
 House action, 1139.  
 To Senate, 1139, 1213.  
 Signed by President, 1176.  
 Sent to Governor, 1234.

**Senate Bill No. 127—(Fredrickson, Guthrie)**

Senate Bill No. 127. A Bill for an Act to Amend and Re-enact Section 6 of Chapter 189 of the Session Laws of North Dakota for the Year 1931, as Amended and Re-enacted by Chapter 172 of the Session Laws of North Dakota for the Year 1935, Relating to Refunds of Motor Vehicle Fuel Taxes, and Declaring an Emergency.

Introduction, first reading and reference, 334.  
 Reported, 784, indefinitely postponed.

**Senate Bill No. 128—(Young)**

Senate Bill No. 128. A Bill for an Act Making an Appropriation for the Purpose of Paying the Salary of an Execu-

tive Director, Stenographic Employees and Miscellaneous General Expenses of the State Planning Board.

Introduction, first reading and reference, 334.  
 Reported, 414, 629.  
 Other action, 439, 1475.  
 Second reading, 702, 1475.  
 To House, 778, 1514.  
 Amended, 1449.  
 Returned to Senate, 1449, 1535.  
 Signed by President, 1508.  
 Sent to Governor.

**Senate Bill No. 129—(Committee on Judiciary)**

Senate Bill No. 129. A Bill for an Act Making Provision for the Use of Business Records as Evidence and Making Uniform the Law with Reference Thereto.

Introduction, first reading and reference, 335.  
 Reported, 414.  
 Second reading, 451.  
 To House, 515, 1160.  
 Returned to Senate, 1171.  
 Signed by President, 1157.  
 Sent to Governor, 1248.

**Senate Bill No. 130—(Committee on Judiciary)**

Senate Bill No. 130. A Bill for an Act for the Judicial Notice of the Laws of Other Jurisdictions and for Proof Thereof and to Make Uniform the Law With Reference Thereto.

Introduction, first reading and reference, 335.  
 Reported, 415.  
 Other action, 415.  
 Second reading, 452.  
 To House, 515, 1160.  
 House action, 1087.  
 Returned to Senate, 1171.  
 Signed by President, 1156.  
 Sent to Governor, 1248.

**Senate Bill No. 131—(Committee on Judiciary)**

Senate Bill No. 131. A Bill for an Act Providing for the Use of Official Reports as Evidence and Making Uniform the Law With Reference Thereto.

Introduction, first reading and reference, 335.  
 Reported, 415.  
 Second reading, 405.  
 Sent to House, 515, 1191, 1514.  
 House action, 1158.  
 Returned to Senate, 1138, 1213.  
 Signed by President, 1176.  
 To Governor, 1234.

**Senate Bill No. 132—(Women and Children's Welfare)**

Senate Bill No. 132. A Bill for an Act to Repeal Chapter 254, Laws 1933, Relating to Old Age Pensions and to Cancel All Claims or Rights of Claim on Behalf of the State or Any County by Virtue of Pensions Paid Under Said Act and All Transfers of Property Made by Any Applicant for Pension Under Said Act.

Introduction, first reading and reference, 349.  
 Reported, 412.  
 Other action, 1475.  
 Second reading, 446. 1468.  
 Sent to House, 515, 1514.  
 Amended, 1433.  
 To Senate, 1433, 1537.  
 Signed by President, 1508.  
 To Governor, 1578.

**Senate Bill No. 133—(Morrison, Thatcher and Lian)**

Senate Bill No. 133. A Bill for an Act to Amend and Re-enact That Portion of Section 2166 of the Supplement to the Compiled Laws of 1913 as was Amended and Re-enacted by Sub-Section (b) of Section 1 of Chapter 279 of the 1931 Session Laws Relating to the Collection of Personal Property Taxes; Providing for Publication of Personal Property Tax List in Newspapers Nearest the Taxing District. Repeal.

Introduction, first reading and reference, 349.  
 Reported, 922.  
 Indefinitely postponed, 922.

**Senate Bill No. 134—(Williams)**

Senate Bill No. 134. A Bill for an Act Creating a State Board of Examiners of Automobile Mechanics, Providing for the Appointment of Said Board; Fixing Compensation; Providing for Meetings and Reports to the Governor; Giving Authority to Issue Licenses to Those Complying With its Provisions; Providing for Collection of Fees; Imposing a Penalty for Failure to Comply With the Provisions of This Act; Empowering the Board to Make Rules and Regulations and Requiring all Automobile Mechanics to Procure a License, and Repeal all Acts or Parts of Acts in Conflict Herewith.

Introduction, first reading and reference, 350.  
 Reported, 530, indefinitely postponed.

**Senate Bill No. 135—(Lynn)**

Senate Bill No. 135. A Bill for an Act to Amend and Re-enact Section 4398 of the Supplement to the Compiled Laws of 1913, Relating to the Term of Residence of Plaintiff in an Action for Divorce and Declaring an Emergency.

Introduction, first reading and reference, 350.  
 Reported, 555.

Other action, 555, 642.  
Amended, 598, 749.  
Second reading, 598, 748.  
Lost, 749.

**Senate Bill No. 136—(Watt and Strehlow)**

Senate Bill No. 136. A Bill for an Act Relating to the Crime of Murder in the First Degree and Prescribing the Penalties Therefor.

Introduction, first reading and introduction, 350.  
Reported, 530.  
Other action or amendment, 530.  
Indefinitely postponed, 530.

**Senate Bill No. 137—(Women's and Children's Welfare)**

Senate Bill No. 137. A Bill for an Act Vesting in and Imposing Upon the State Welfare Board Additional Powers and Duties, Repealing Sections 283b6 and 283b7, Supplement to the Compiled Laws, 1913, and Declaring an Emergency.

Introduction, first reading and reference, 350.  
Second reading, 444.  
Sent to House, 515.  
Returned to Senate, 1193, indefinitely postponed.

**Senate Bill No. 138—(Nelson of Grand Forks)**

Senate Bill No. 138. A Bill for an Act to Amend and Re-enact Section 3839 of the Compiled Laws of North Dakota for the Year 1913.

Introduction, first reading and reference, 350.  
Reported, 556.  
Second reading, 599.  
To House, 645.  
Returned to Senate, 1086, indefinitely postponed.

**Senate Bill No. 139—(Cain)**

Senate Bill No. 139. A Bill for an Act to Amend and Re-enact Section 396215, Supplement to the Compiled Laws of 1913 of North Dakota, Same Being Laws 1919, Chapter 162, Section 15, With Regard to Filing Claims With Workmen's Compensation Bureau.

Introduction, first reading and reference, 350.  
Reported, 624.  
Indefinitely postponed, 624.

**Senate Bill No. 140—(Cain, Ettetstad)**

Senate Bill No. 140. A Bill for an Act to Amend and Re-enact Section 1649 of the Compiled Laws of the State of North Dakota for the Year 1913, Providing for Experimenta-

tion and Testing of State Minerals or Allied Industrial Resources of the School of Mines at the University of North Dakota, or at Any Mining Experimental Station, or Substation Wheresoever Situated in the State of North Dakota, and Providing for the Patenting of Processes and Inventions Discovered and Developed by Such Experimentation, and Declaring an Emergency.

Introduction, first reading and reference, 350.  
 Reported, 491.  
 Second reading, 535.  
 To House, 1491.  
 Returned to Senate, 1436, 1535.  
 Signed by President, 1484.  
 To Governor, 1578.

**Senate Bill No. 141—(Women's and Children's Welfare)**

Senate Bill No. 141. A Bill for an Act to Promote the Public Welfare by Providing for Public Assistance to Aged Persons in Need.

Introduction, first reading and reference, 368.  
 Reported, 413.  
 Other action, 438, 734, 785.  
 Second reading, 844, 1457.  
 To House, 1597, 886.  
 Amended, 1433.  
 Returned to Senate, 1432, 1600.  
 Signed by President, 1596.  
 To Governor, 1611.

**Senate Bill No. 142—(Guthrie, Etestad, Cain)**

Senate Bill No. 142. A Bill for an Act to Amend and Re-enact Chapter 81 of the Session Laws for the Year 1933, Relating to Bonds from Contractors on Public Improvements; Repealing Section 6835 of the Compiled Laws for the Year 1913, and All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Introduction, first reading and reference, 368.  
 Reported, 618.  
 Other action, 618.  
 Second reading, 662.  
 To House, 1425.  
 Returned to Senate, 1339, 1506.  
 Signed by President, 1407.  
 Sent to Governor, 1578.

**Senate Bill No. 143—(Judiciary)**

Senate Bill No. 143. A Bill for an Act Authorizing the Secretary of State to Contract with the Lawyer's Co-operative Publishing Company of Rochester, New York, for the Publication of a Compiled Edition of the Laws of North Dakota; Making an Appropriation; Creating a Revolving Loan Fund; and Declaring an Emergency.



Introduction, first reading and reference, 369.  
Reported, 556.  
Other action, 415.  
Second reading, 601.  
To House, 602, 765.  
House action, 1463, indefinitely postponed.  
Returned to Senate, 1463.

**Senate Bill No. 144**—(Nelson of Grand Forks, Brostuen, Thorson)

Senate Bill No. 144. A Bill for an Act to Regulate Collection Agencies, and for the Protection of the People in General From Unscrupulous and Irresponsible Agents and Individuals Calling Themselves Collection Agencies.

Introduction, first reading and reference, 369.  
Reported, 515, 619.  
Other action, 415, indefinitely postponed.

**Senate Bill No. 145**—(Morrison)

Senate Bill No. 145. A Bill for an Act to Provide an Additional Method for Issuance of Professional Teachers Certificates.

Introduction, first reading and reference, 369.  
Reported, 590.  
Other action, 590.

**Senate Bill No. 146**—(Lynn, Cain, Young)

Senate Bill No. 146. A Bill for an Act to Amend and Re-enact Chapter 7 of the Session Laws of the State of North Dakota for the Year 1931.

Introduction, first reading and reference, 369.  
Reported, 853.  
Second reading, 902, indefinitely postponed.

**Senate Bill No. 147**—(Brostuen, Olson) .....

Senate Bill No. 147. A Bill for an Act to Amend and Re-enact Section 800 of the Compiled Laws of 1913 With Regard to Causes for Revocation or Suspension of the Certificate of Admission to the Bar by an Attorney and Counsellor at Law.

Introduction, first reading and reference, 369.  
Reported 556.  
Indefinitely postponed, 556.

**Senate Bill No. 148**—(Nelson of Grand Forks, Whelan, and Stucke)

Senate Bill No. 148. A Bill for an Act to Amend and Re-enact Chapter 94 of the Session Laws for the Year 1929, and Chapter 267 of the Session Laws for the Year 1935, Relat-

ing to the Custodian of the State Capitol and Grounds and Describing His Power, Duties and Appointing Such Custodian.

Introduction, first reading and reference, 369.

Reported, 532.

Other action, 532, 593, 651.

Second reading, 572, 694.

House action, 1062, indefinitely postponed.

Returned to Senate, 1062.

**Senate Bill No. 149**—(Nelson of Barnes, Johnson, Skarvold, Strehlow)

Senate Bill No. 149. A Bill for an Act to Amend and Re-enact the Initiated Measure Entitled, "An Act to Authorize, Regulate, and Control the Transportation, Importation, Handling, Possession, Purchase, Sale, and Dispensing of Alcohol, and Alcoholic Beverages in the State of North Dakota; Defining Alcoholic Beverages, Providing the Method of Taxing and Licensing the Same, Providing the Manner of Expending and Distributing the Revenues from Such Licenses and Taxes; Providing Penalties for Violations of the Provisions of Said Act, Providing for a Saving Clause as to the Constitutionality of Any Part of the Act; and Repealing All Acts and Parts of Acts in Conflict Therewith," and Declaring an Emergency.

Introduction, first reading and reference, 370.

Reported, 619.

Indefinitely postponed, 619.

**Senate Bill No. 150**—(Brostuen, Cain)

Senate Bill No. 150. A Bill for an Act to Provide for the Creation of the State Water Commission; Prescribing Its Powers and Duties; Providing for the Construction, Operation and Maintenance of a System of Works for the Conservation, Development, Storage, Distribution and Utilization of Water, and for the Acquisition of Property Necessary Therefor; Authorizing the Issuance of State Water Commission Revenue Bonds of the State, Payable Solely from the Revenues of Such Works and the Funds Received from the Sale or Disposal of Water and From the Operation, Lease, Sale or Other Disposition of the Works, Property and Facilities to be Acquired Out of the Proceeds of Such Bonds; Providing for the Lien Upon Bond Proceeds; Providing for Trust Indentures; Providing for the Creation of Certain Funds in Connection with this Act; Providing for Contracts with the United States; Declaring that No Debt of the State Shall Be Incurred in the Exercise of Any of the Powers Granted by This Act; Providing for the Purchase Condemnation; and Otherwise Acquiring Lands and Water Rights and for the Sale Thereof; Making an Appropriation; Providing for the Creation of a State Water Commission Revolving Fund to be Designated The Conservation Revolving Fund; Providing for the Collection and Payment of Moneys Into Said Fund and Disbursements Therefrom; and to Provide

That the State Water Commission May Mortgage Property; and Designating the State Planning Board as the State Water Commission; and Designating Said Water Commission as a Body Corporate; and to Grant Additional Powers to the Commission in the Sale of Water and to Authorize the Sale of Certain Water Works to Public Bodies; Providing for the Purchase of Bonds and the Making of Loans by the Bank of North Dakota; and Declaring an Emergency.

Introduction, first reading and reference, 370.

Reported, 946.

Other action, 495, 947, indefinitely postponed.

**Senate Bill No. 151—(Fredrickson)**

Senate Bill No. 151. A Bill for an Act to Authorize, Regulate and Control the Transportation, Importation, Handling, Possession, Purchase, Sale and Dispensing of Alcohol and Alcoholic Beverages, as Now Defined by Law, in This State by Common Carriers, Providing for the Method of Taxing and Licensing Alcohol and Alcoholic Beverages When Handled and Sold by Common Carriers, and of Expending and Distributing the Revenues from Such Taxes and Licenses, and Providing Penalties for the Violation of This Act; and Declaring an Emergency.

Introduction, first reading and reference, 371.

Reported, 532.

Other action, 573, 795.

Second reading, 751, 795.

Sent to House, 1541.

Returned to Senate, 1435, 1559.

Signed by President, 1526.

Sent to Governor, 1579.

**Senate Bill No. 152—(Drew)**

Senate Bill No. 152. A Bill for an Act to Amend and Re-enact Sections 10169a4, and 10169a5 of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, Dealing with the North Dakota Beverage Inspection Act, Defining the Beverages Coming Within the Provisions of that Act, and Fixing the Fee Required to be Paid for Registration of Label Thereof, and Declaring an Emergency.

Introduction, first reading and reference, 391.

Reported, 647.

Other action, 796.

Second reading, 754, 831.

House action, 1242, indefinitely postponed.

Returned to Senate, 1242.

**Senate Bill No. 153—(Brostuen)**

Senate Bill No. 153. A Bill for an Act to Prevent Fraud and Deception in the Sale of Livestock Medicines; Providing for the Registration and Labeling of Livestock Medicines; Authorizing Rules and Regulations for the Administration

of this Act; Prescribing the Method of Revocation of Such Registration and Prescribing a Penalty for the Violation Thereof.

Introduction, first reading and reference, 392.  
 Reported, 784.  
 Other action or amendment, 1475.  
 Second reading, 831, 1469.  
 Sent to House, 885, 1597.  
 Amended, 1434.  
 Returned to Senate, 1434, 1600.  
 Signed by President, 1596.  
 Sent to Governor, 1611.

**Senate Bill No. 154—(Trout)**

Senate Bill No. 154. A Bill for an Act to Provide a Method of Voting at any General or Primary Election by Electors Absent or Anticipating Being Absent on the Day of Such Election from the County in Which They are Electors, Repealing Sections 992, 993, 995 and 996 of the Compiled Laws of North Dakota 1913 as Amended by Chapter 136 of the 1931 Session Laws and by Chapter 107 of the 1933 Session Laws, and Repealing Sections 994, 997, 998, 999, 1000, 1001, 1002, 1003 and 1004 of the Compiled Laws of North Dakota 1913, and Repealing all Acts or Parts of Acts in Conflict Herewith.

Introduction, first reading and reference, 392.  
 Reported, 492, 556.  
 Other action or amendment, 556.  
 Second reading, 602.  
 Sent to House, 645.  
 Returned to Senate, 1194, indefinitely postponed.

**Senate Bill No. 155—(Mutchler, Trout)**

Senate Bill No. 155. A Bill for an Act to Amend and Re-enact Section 7 of Chapter 235, Session Laws of 1929, as Amended by Chapter 252, Session Laws of 1931, and Section 2 of Chapter 297, Session Laws of 1931, Relating to the Tax Levy Limitations of School Districts.

Introduction, first reading and reference, 392.  
 Reported, 786.  
 Indefinitely postponed, 786.

**Senate Bill No. 156—(Mutchler, Trout)**

Senate Bill No. 156. A Bill for an Act to Require the County Auditor of Each County to Levy an Annual Tax of Four Mills Upon Each Dollar of the Taxable Valuation of Property in the County for the Support of the Public Schools Within the County, and to Provide for the Apportionment Thereof Among the Schools by the County Superintendent of Schools on the Basis of Aggregate Days of Attendance.

Introduction, first reading and reference, 392.  
Other action, 679.  
Indefinitely postponed, 785.

**Senate Bill No. 157—(Owings, Mutchler)**

Senate Bill No. 157. A Bill for an Act Concerning Changes in the Tariffs, Rates, Joint Rates, Fares, Tolls, Schedules or Classifications or Service; Repealing All Acts or Parts of Acts in Conflict Herewith; and Declaring this Act to be an Emergency Measure.

Introduction, first reading and reference, 392.  
Reported, 436, 646.  
Other action, 436.  
Amended, 646.  
Second reading, 503.  
Sent to House, 546, 1491.  
Returned to Senate, 1436, 1535.  
Signed by President, 1484.  
Sent to Governor, 1578.

**Senate Bill No. 158—(Mutchler, Fine, Trout)**

Senate Bill No. 158. A Bill for an Act to Provide for the Attendance of Non-Resident Students at the Public Schools of This State; to Regulate the Terms of Their Admission; and to Permit the Payment by School Boards of Tuition, Transportation, Board and Lodging of Resident Students Attending Other Schools.

Introduction, first reading, reference, 393.  
Reported, 636.  
Other action, 746, 824, 829.  
Amended, 636, 704.  
Second reading, 704, 829.  
Sent to House, 777, 885.  
Returned to Senate, 824, 1242, indefinitely postponed.

**Senate Bill No. 159—(Committee on Agriculture)**

Senate Bill No. 159. A Bill for an Act to Amend Chapter 106 of the Session Laws of 1935 so as to Permit the Organization of Co-operative Grazing Associations in Any County, to Permit the Organization of More Than One Association in Any County, and to Provide for Long-Term Leases of County-Owned Land.

Introduction, first reading and reference, 393.  
Reported and indefinitely postponed, 737.

**Senate Bill No. 160—(Trout)**

Senate Bill No. 160. A Bill for an Act Prohibiting Chattel Mortgages on Personal Property When Such Mortgage Fails to Specifically Describe the Property Mortgaged or When the

Same is Designated by Group; Repealing All Acts or Parts of Acts in Conflict Herewith; and Declaring an Emergency.

Introduction, first reading and reference, 417.  
 Reported, 619.  
 Amended, 619.  
 Second reading, 664.  
 To House, 765, 1181.  
 To Senate, 1130, 1213.  
 Signed by President, 1177.  
 Sent to Governor, 1234.

**Senate Bill No. 161—(Wowens and Children's Welfare)**

Senate Bill No. 161. A Bill for an Act to Promote the Public Welfare by Providing for Assistance for Crippled Children and for Child Welfare Services.

Introduction, first reading and reference, 518.  
 Reported, 586, 925.  
 Other action, 786, 839.  
 Amended, 937.  
 Second reading, 839, 936.  
 Sent to House, 958.  
 Amended, 1432.  
 Returned to Senate, 1432, indefinitely postponed, 1458.

**Senate Bill No. 162—(Cain, Fredrickson)**

Senate Bill No. 162. A Bill for an Act to Cancel All Interest and Penalty, Levied and Assessed Against Delinquent Real Estate Taxes and Providing for Redemption of Real Estate Sold or Forfeited to the County for the Years 1935, and all Prior Years, and Still Held by the County, Without Paying Interest or Penalty, if Said Taxes Are Paid During the Year 1937; Repealing All Acts in Conflict Herewith.

Introduction, first reading and reference, 439.  
 Reported, 557, indefinitely postponed.

**Senate Bill No. 163—(Blaisdell, Lynn, Bilden, Stucke, Whelan)**

Senate Bill No. 163. A Bill for an Act Providing for the Taxation of Gasoline Sold or Purchased for the Purpose of Operating and Propelling Airplanes and Aircraft, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Introduction, first reading and reference, 439.  
 Reported, 636, 949.  
 Other action, 594, 754, 594, 949.  
 Amended, 636.  
 Second reading, 747, 770, 993.  
 Sent to House, 777, 1002.  
 Returned to Senate, 824, 1136, indefinitely postponed.

**Senate Bill No. 164—(Thatcher, Vinje, Blaisdell, Fredrickson)**

Senate Bill No. 164. A Bill for an Act Making an Appro-

riation for Constructing a Library Building, Furnishing and Equipping the Same at the State Normal School at Valley City, North Dakota, Providing a Substantial Sum is Obtained From the Federal Government or Any of Its Agencies, to Aid in the Construction, Furnishing and Equipping Said Building.

Introduction, first reading and reference, 439.  
Reported, 641, indefinitely postponed.

**Senate Bill No. 165—(Thatcher, Vinje, Blaisdell, Fredrickson)**

Senate Bill No. 165. A Bill for an Act Making an Appropriation for Constructing a Physical Educational Building, Furnishing and Equipping the Same at the State Normal School at Minot, North Dakota, Providing a Substantial Sum is Obtained From the Federal Government or Any of Its Agencies, to Aid in the Construction, Furnishing and Equipping Said Building.

Introduction, first reading and reference, 440.  
Reported, 641, indefinitely postponed.

**Senate Bill No. 166—(Lynn)**

Senate Bill No. 166. A Bill for an Act to Amend and Re-enact Section 3655 of the Compiled Laws of North Dakota for 1913, to Provide for a Constitutional Method of Appeal to the District Court From the Court of the Police Magistrate of Cities in the State of North Dakota in Actions Arising Under the Ordinances of Said City, and Repealing All Acts and Parts of Acts in Conflict Therewith.

Introduction, first reading and reference, 440.  
Reported, 557, indefinitely postponed.

**Senate Bill No. 167—(Cain)**

Senate Bill No. 167. A Bill for an Act to Amend and Re-enact Section 1 of Chapter 236 of the Session Laws of the State of North Dakota for the Year 1933, Relating to Common School Transportation; and Declaring an Emergency.

Introduction, first reading and reference, 440.  
Reported, 636.  
Other action, 706.  
Second reading, 705, 707.  
To House, 779.  
To Senate, 1338, indefinitely postponed.

**Senate Bill No. 168—(Blaisdell, Lynn, Bilden, Whelan, Stucke)**

Senate Bill No. 168. A Bill for an Act to Create, Define and Establish "Airmen's Association of the State of North Dakota," Providing for the Creation of a Fund for the Use of Said Association to be Known as "Airmen's Aviation Fund."

Introduction, first reading and reference, 440.

Reported, 637.  
 Second reading, 706.  
 To House, 779.  
 Returned to Senate, 1137, indefinitely postponed.

**Senate Bill No. 169—(Brostuen, Cain)**

Senate Bill No. 169. A Bill for an Act to Provide for the Protection of Prehistoric Deposits, Relics, Indian Mounds, Graves, Village Sites, and Other Archaeological Material. To Provide for Licensing Persons Engaged in Exploring and Excavating for Ancient Ruins and Archaeological Material and Providing a Penalty for Violations.

Introduction, first reading and reference, 440.  
 Reported, 817.  
 Amended, 866.  
 Second reading, 866.  
 To House, 926.  
 To Senate, 1243, indefinitely postponed.

**Senate Bill No. 170—(Lavik, Topp, Skarvold, Young, Lemke)**

Senate Bill No. 170. A Bill for an Act to Impose a Tax Upon Dogs, Providing for Assessment, Levy and Collection Thereof; Providing for the Issuance of License Tags for All Dogs Upon Which Said Tax Is Assessed; Providing for the Determination and Payment of Losses from Tax Collected Thereunder to the Owners of Livestock or Poultry Damaged by Dogs, Wolves, or Coyotes; Providing for the Killing of Dogs, Wolves, or Coyotes in Certain Cases; Providing for the Hearing and Appeal; Imposing Powers and Duties on Certain County Officers and Employees, and Providing Penalties for the Violation of This Act. Repealing All Acts or Parts of Acts in Conflict Herewith and Declaring an Emergency.

Introduction, first reading and reference, 441.  
 Reported, 590.  
 Other action, 622.  
 Second reading, 757.  
 To House, 809.  
 To Senate, 1499, indefinitely postponed.

**Senate Bill No. 171—(Thatcher, Vinje, Blaisdell, Fredrickson)**

Senate Bill No. 171. A Bill for an Act Making an Appropriation for Constructing a Physical Educational Building, Furnishing and Equipping the Same at the School of Forestry at Bottineau, North Dakota, Providing a Substantial Sum Is Obtained from the Federal Government or Any of Its Agencies, to Aid in the Construction, Furnishing and Equipping Said Building.

Introduction, first reading and reference, 441.  
 Reported, 642, indefinitely postponed.



**Senate Bill No. 172—(Thatcher, Vinje, Blaisdell, Fredrickson)**

Senate Bill No. 172. A Bill for an Act Making an Appropriation for Constructing a Library Building, Furnishing and Equipping the Same at the State Normal School at Mayville, North Dakota, Providing a Substantial Sum Is Obtained From the Federal Government or Any of Its Agencies, to Aid in the Construction, Furnishing and Equipping Said Building.

Introduction, first reading and reference, 441.  
Reported, 642, indefinitely postponed.

**Senate Bill No. 173—(Banks and Banking)**

Senate Bill No. 173. A Bill for an Act Amending and Re-enacting Section 30, of Chapter 96, of the Session Laws of the State of North Dakota for the Year 1931, Relating to Reserve Funds of State Banking Associations.

Introduction, first reading and reference, 441.  
Reported, 590.  
Second reading, 657.  
To House, 765.  
To Senate, 1241, 1371.  
Signed by President, 1313.  
To Governor, 1498.

**Senate Bill No. 174—(Guthrie)**

Senate Bill No. 174. A Bill for an Act Making an Appropriation to Reimburse the City of Bismarck for Costs Incurred in Constructing a Sewerage System from the State Penitentiary to the City of Bismarck System of Sewerage.

Introduction, first reading and reference, 441.  
Reported, 561, indefinitely postponed.

**Senate Bill No. 175—(Mutchler)**

Senate Bill No. 175. A Bill for an Act to Amend and Re-enact Section 1373, Session Laws of 1911, Chapter 266.

Introduction, first reading and reference, 442.  
Reported, 620.  
Amended, 620.  
Second reading, 664.  
To House, 1426.  
To Senate, 1340, 1606.  
Signed by President, 1409.  
To Governor, 1578.

**Senate Bill No. 176—(Fine)**

Senate Bill No. 176. A Bill for an Act to Amend and Re-enact Section 1370, Session Laws of 1911, Chapter 266, as Amended by Chapter 239, Session Laws of 1927.

Introduction, first reading and reference, 442.  
 Reported, 620.  
 Amended, 621, 665.  
 Second reading, 664.  
 To House, 762, 765, 1342.  
 To Senate, 1240, 1371.  
 Signed by President, 1313.  
 Sent to Governor, 1498.

**Senate Bill No. 177—(Fine)**

Senate Bill No. 177. A Bill for an Act to Amend and Re-enact Section 1376, Session Laws of 1911, Chapter 266.

Introduction, first reading and reference, 442.  
 Reported, 621.  
 Amended, 621.  
 Second reading, 666.  
 To House, 765, 1492.  
 To Senate, 1437, 1535.  
 Signed by President, 1484.  
 To Governor, 1578.

**Senate Bill No. 178—(Crandall)**

Senate Bill No. 178. A Bill for an Act Making an Appropriation for Improvements and Repairs at the North Dakota Soldiers' Home at Lisbon, North Dakota.

Introduction, first reading and reference, 442.  
 Reported, 787.  
 Other action, 788.  
 Second reading, 832.  
 To House, 886, 1244.  
 House Action, 1139, 1325.  
 To Senate, 1149, 1325.  
 Signed by President, 1235.  
 Sent to Governor, 1349.

**Senate Bill No. 179—(Committee on Agriculture and Livestock)**

Senate Bill No. 179. A Bill for an Act to Provide for the Conservation, Protection, Improvement and Profitable Use of Agricultural Land Resources of the State of North Dakota and for Co-operation with the Governments and Agencies of Other States and of the United States Pursuant to the Provisions of Section 7 of an Act of the Congress of the United States Known as the Soil Conservation and Domestic Allotment Act, to Assent to and Accept the Provisions of Said Act; and, in Conformity With the Provisions of Said Act, to Designate and Authorize the North Dakota Agricultural College, Extension Service as the State Agency of This State in Conformity With Such Provisions, to Formulate, Submit to the Secretary of Agriculture of the United States, and Administer, State Plans to Carry Out the Provisions of This Act, to Define the Powers and Duties of said State Agency, to Provide for State Committee and Otherwise to Provide for the Administration of This Act.

Introduction, first reading and reference, 442.  
 Reported, 591.  
 Amended, 658.  
 Second reading, 657.  
 To House, 765, 1342.  
 To Senate, 1193, 1371.  
 Signed by President, 1314.  
 Sent to Governor, 1498.

**Senate Bill No. 180—(Coffey, Young, Fredrickson, Cain, Fow-**

**Senate Bill No. 180.** A Bill for an Act Providing for a Compact Between the States of Minnesota, South Dakota and North Dakota, Authorizing the Creation of a Tristate Waters Commission With Power to Supervise the Utilization and Control of the Waters of That Portion of the Drainage Basin of the Red River of the North Lying Within Minnesota, South Dakota and North Dakota.

ler, Nelson of Grand Forks, Brostuen, Stucke, Skarvold, Thatcher, Whelan, Vinje, Lian, Watt, Nelson of Barnes, Crandall, Lavik, Johnson, Bilden, Strehlow)  
 Introduction, first reading and reference, 443.  
 Reported, 591, 835.  
 Other action, 835, 839.  
 Second reading, 940.  
 To House, 958, 1425.  
 House Action, 1340.  
 To Senate, 1340, 1505.  
 Signed by President, 1409.  
 To Governor, 1578.

**Senate Bill No. 181—(Kolpin and Lian)**

**Senate Bill No. 181.** A Bill for an Act to Amend and Re-enact Section 4 of Chapter 193 of the 1933 Session Laws Relating to the Appointment of a Manager and Other Employees of the State Mill and Elevator.

Introduction, first reading and reference, 443.  
 Reported, 591.  
 Other action, 592.  
 Amended, 659.  
 Second reading, 659, indefinitely postponed.

**Senate Bill No. 182—(Strehlow)**

**Senate Bill No. 182.** A Bill for an Act Relating to the Public Health and to the Local Control of Preventable Diseases; and to Authorize and Permit the Several Counties of the State of North Dakota, Either Separately or in Conjunction and Cooperation With One or More Contiguous Counties; to Establish and Maintain Full Time Local Health Departments in Cooperation With and Under the Direction of the State Department of Health; Provide for the Appointment of Local Boards of Health, a Full Time Local Health Officer and the Necessary Personnel of Local Health Units or Districts; Providing a Health Fund; Prescribing the Qualifications of the Health Officer and the Personnel of the

Local Health Unit or District; and Providing for Their Compensation; Authorizing Local Boards of Health Organized Hereunder to Make Rules and Regulations Governing Matters Relating to the Public Health of Local Health Units or Districts and to the Control of Preventable Diseases Therein.

Introduction, first reading and reference, 443.  
 Reported, 853.  
 Amended, 853.  
 Second reading, 901.  
 To House, 957.  
 House action, 1499, indefinitely postponed.  
 Returned to Senate, 1499.

**Senate Bill No. 183—(Taxes and Tax Laws)**

Senate Bill No. 183. A Bill for an Act to Authorize and Empower the Public Welfare Board to Borrow Money from the Bank of North Dakota, and Declaring an Emergency.

Introduction, first reading and reference, 443.  
 Reported,  
 Other action, 839.  
 Second reading, 797, 976.  
 To House, 1001, indefinitely postponed.  
 Returned to Senate, 1194.

**Senate Bill No. 184—(Strehlow, Nelson of Barnes, Crandall)**

Senate Bill No. 184. A Bill for an Act to Amend and Re-enact Section 3 and 7 of Chapter 3, Session Laws of 1933, Relating to Unfair Discrimination in the Purchase Price of Certain Farm Products.

Introduction, first reading and reference, 495.  
 Reported, 622, 737.  
 Other action, 694, 788.  
 Amended, 622.  
 Second reading, 666, Lost.

**Senate Bill No. 185—(Kolpin)**

Senate Bill No. 185. A Bill for an Act Appropriating the Sum of One Thousand Two Hundred Forty Dollars and Fifty-one Cents (\$1,240.51) from the General Funds of the State of North Dakota to Compensate O. P. Shelstad for the Moneys Paid Out of His Own Funds for Necessary Expenses Incurred as State Dairy Commissioner, for the Payment of Which There was no Appropriation.

Introduction, first reading and reference, 495.  
 Reported, 592.  
 Other action, 1144, 1152.  
 Amended, 661.  
 Second reading, 661.  
 To House, 763.  
 House action, 1463, indefinitely postponed.  
 To Senate, 1463.

**Senate Bill No. 186—(Brostuen, McGillic)**

Senate Bill No. 186. A Bill for an Act Providing That Special Improvement Warrants May Be Used in the Payment of Special Assessment Taxes of the Issuing District, and Declaring an Emergency.

Introduction, first reading and reference, 495.  
Reported, 737.  
Other action, 737, indefinitely postponed.

**Senate Bill No. 187—(Committee on Agriculture)**

Senate Bill No. 187. A Bill for an Act Providing for Establishing, on Petition, of Temporary and Permanent Farm and Rural Home Advisory Councils, Under Whose Guidance Shall Be Conducted Agricultural, Home Economics and 4-H Club Programs, Providing for the Levy of an Annual Tax Therefor and for Term of Office of Council, Manner of Creating and Provision for Traveling Expense of Permanent Council, for the Appointment of Extension Agents, the Budgeting of Expenses and for Procedure to Discontinue Levy for Agricultural, Home Economics, and 4-H Club Programs in Any County, Providing for Applicability of This Act to Counties Where the County Extension Work Has Been Provided and is Being Conducted Under the Statutes in Force Prior to the Enactment of This Act, and for the Discontinuance in Such Counties Within a Fixed Period of the County Work so Performed Under Former Statutes, and Repealing Section 3259A of the 1925 Supplement to the Compiled Laws of 1913 and All Acts or Parts of Acts in Conflict Herewith.

Introduction, first reading and reference, 495.  
Reported, 788.  
Other action, 788, 817.  
Amended, 881, 964.  
Second reading, 964.  
To House, 1002, 1426.  
Returned to Senate, 1340, 1505.  
Signed by President, 1409.  
To Governor, 1578.

**Senate Bill No. 188—(Coffey)**

Senate Bill No. 188. A Bill for an Act Making Unlawful Discrimination in Price in the Sale of Motor Vehicle Fuel, the Granting of Rebates to Purchasers Thereof, Requiring Dealers to Post the Sale Price Thereof and to Sell in Conformity With Such Posted Price, Defining Dealers and Consumers, and Providing a Penalty for Violation of the Terms Thereof, Repealing All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Introduction, first reading and reference, 496.  
Reported, 790.  
Indefinitely postponed, 790.

**Senate Bill No. 189—(Lowe)**

Senate Bill No. 189. A Bill for an Act to Amend and Re-

enact Sub-section 19 of Section 3861 of the Compiled Laws of North Dakota for the Year 1913, Relating to Penalties Imposed for Violation of Village Ordinances; and Declaring an Emergency.

Introduction, first reading and reference, 496.  
 Reported, 737.  
 Second reading, 797.  
 To House, 847.  
 Returned to Senate, 1194, indefinitely postponed.

**Senate Bill No. 190—(Trout and Johnson)**

Senate Bill No. 190. A Bill for an Act Amending and Re-enacting Section 909a1 of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, Relating to No-Party Elections, Providing for the Election of Members of the Legislative Assembly on the No-Party Ticket, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Introduction, first reading and reference, 496.  
 Reported, 622.  
 Other action, 621, indefinitely postponed.

**Senate Bill No. 191—(Kroeber)**

Senate Bill No. 191. A Bill for an Act to Levy a Tax on Tickets Sold for Transportation of Persons by Common Carrier in North Dakota and Providing for the Disposition of Revenue Derived Therefrom.

Introduction, first reading and reference, 496.  
 Reported, 738, indefinitely postponed.

**Senate Bill No. 192—(Blaisdell)**

Senate Bill No. 192. A Bill for an Act Making an Appropriation for a Pension for Mrs. Thelma Crites, Widow of National Guardsman John E. Crites.

Introduction, first reading and reference, 497.  
 Reported, 872.  
 Other action, 872.  
 Second reading, 927.  
 To House 932, 1342.  
 To Senate, 1192, 1371.  
 Signed by President, 1315.  
 Sent to Governor, 1498.

**Senate Bill No. 193—(Vinje)**

Senate Bill No. 193. A Bill for an Act to Appropriate the Sum of Ten Thousand Dollars (\$10,000.00) From Any Moneys There May Be in the Motor Registration Fund, at a Date When the Requirements Hereinafter Specified Have Been Met by the State of Minnesota, and/or the County of Norman, in the State of Minnesota, and the County of Traill in the State of North Dakota, or That May Thereafter Accrue in Such Fund, for the Purpose of Aiding in the Construction of

a Bridge Across the Red River of the North, on the Road Connecting the Village of Caledonia, Traill County, North Dakota, and the Village of Shelly, Norman County, Minnesota, Under the Provisions of Sections 1952a1 and 1952a2 of the 1925 Supplement to the Compiled Laws of 1913, as Amended and Re-enacted by Chapter 161 of the Session Laws of 1927, as Amended and Re-enacted by Chapter 140, Laws of 1929, and Directing the North Dakota State Highway Commission, When the Above Mentioned Arrangements Have Been Completed, to Construct Such Bridge, Procure Such Federal Aid as May Be Possible, and to Perform All Necessary Preliminary Acts.

Introduction, first reading and reference, 497.  
Reported,  
Withdrawn, 650.

**Senate Bill No. 194—(Blaisdell)**

Senate Bill No. 194. A Bill for an Act to Regulate the Business of Selling Used Motor Vehicles by Dealers Not Residing in or Having a Permanent Place of Business in This State, and by Resident Dealers Purchasing, Handling and Selling Used Motor Vehicles Received or Acquired From Non-Resident Dealers; Requiring the Registration of All Used Motor Vehicles Brought Into This State for the Purpose of Sale to Be Registered With the Motor Vehicle Registrar, and Requiring All Such Dealers to Execute and Deliver to Each Purchaser a Bond Indemnifying the Purchaser Against Failure of Title, Breach of Warranty or Fraudulent Misrepresentation; Requiring Delivery of a Certificate of Title and Providing Penalties for the Violation of the Provisions of This Act.

Introduction, first reading and reference, 497.  
Reported, 853.  
Second reading, 903.  
To House, 1425.  
Returned to Senate, 1339, 1506.  
Signed by President, 1407.  
Sent to Governor, 1578.

**Senate Bill No. 195—(Mutchler)**

Senate Bill No. 195. A Bill for an Act to Rid the State of a Public Nuisance, Namely Irresponsible Collectors or Collection Agencies who Themselves are Operating Without Sufficient Funds and Who are Unable to Pay their Own Obligations, Yet Who Continually Persist in Cluttering Up the Courts With Garnishment and Attachment Actions, Causing Many Worthy Individuals with Large Families to Support, to Lose Their Jobs by Useless Litigation.

Introduction, first reading and reference, 498.  
Reported, 622.  
Other action or amendments, 622.  
Amended, 668.  
Second reading, 668.  
To House, 765.  
House action, 1243, indefinitely postponed.  
Returned to Senate, 1243.

**Senate Bill No. 196—(Blaisdell, Lynn, Whelan, Stucke)**

Senate Bill No. 196. A Bill for an Act to Amend Section 6 of Chapter 85 of the Session Laws for the Year 1929, Relating to the Licensing of Airmen and Aircraft; Making Violation Thereof a Misdemeanor, and Providing the Penalty Therefor; Repealing All Acts or Parts of Acts in Conflict Herewith; and Declaring This Act to Be an Emergency Measure.

Introduction, first reading and reference, 498.  
 Reported, 637.  
 Other action, 594.  
 Second reading, 706.  
 To House, 809.  
 House action, 1224, indefinitely postponed.  
 Returned to Senate, 1224.

**Senate Bill No. 197—(Thorson)**

Senate Bill No. 197. A Bill for an Act to Return to the Counties of the State of North Dakota, the Motor Vehicle Registration Funds Diverted and Transferred Under Chapter 160 of the Laws of 1933, From Said Sources to the Bond Interest Funds of the State of North Dakota; and the Beer Stamp Tax Diverted, Under the Provisions of Chapter 98, Laws of 1935, to the Bond Interest Fund of the State of North Dakota.

Introduction, first reading and reference, 498.  
 Reported, 790.  
 Other action, 791, indefinitely postponed.

**Senate Bill No. 198—(Taxes and Tax Laws)**

Senate Bill No. 198. A Bill for an Act to Amend and Re-enact Section 2166 of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 241 of the Session Laws of North Dakota for 1929, and as Amended by Section 1 of Chapter 279 of the Session Laws of North Dakota for 1931; Section 2 of Chapter 279 of the Session Laws of North Dakota for 1931; Section 2169 and Section 2175 of the Compiled Laws of North Dakota for 1913; and Section 2178 of the Compiled Laws of North Dakota for 1913, as Amended by Section 1 of Chapter 122 of the Session Laws of North Dakota for 1935, Providing for the Delinquency of Personal Property Taxes, the Penalty Thereon and the Collection Thereof by the County Treasurer; Providing for a Lien for Delinquent Personal Taxes; Providing for Delinquent Tax Lists and the Duties of the Board of County Commissioners in Connection Therewith; Providing for the Duties of the County Treasurer and for His Neglect or Refusal to Perform His Duty in Connection Therewith, and for a penalty; Providing for the Fees for the Sheriff, or County Treasurer in Making Distress for Personal Taxes; Repealing Sections 2167, 2168 and 2173 of the Compiled Laws of North Dakota for 1913 and All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.



Introduction, first reading and reference, 498.  
Reported, 791.  
Other action, 791.  
Amended, 842.  
Second reading, 841.  
To House, 886.  
House action, 1085, indefinitely postponed.  
Returned to Senate, 1085.

**Senate Bill No. 199—(Taxes and Tax Laws)**

Senate Bill No. 199. A Bill for an Act to Amend and Re-enact Section 2133 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Duties of the Township Board of Review, Complaints and Grievances With Reference Thereto, and Providing for an Appeal to the Board of County Commissioners, Repealing All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

Introduction, first reading and reference, 499.  
Reported, 738.  
Amended, 798.  
Second reading, 798.  
To House, 846.  
Returned to Senate, 1136, indefinitely postponed.

**Senate Bill No. 200—(Taxes and Tax Laws)**

Senate Bill No. 200. A Bill for an Act Providing for a Uniform Fiscal Year for Organized Townships; Repealing All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

Introduction, first reading and reference, 499.  
Reported, 738.  
Indefinitely postponed, 799.

**Senate Bill No. 201—(Kroeber)**

Senate Bill No. 201. A Bill for an Act to Levy a Tax of One-half Cent on Each Kilowatt of Power Produced, Used or Sold in the State of North Dakota and Providing for Disposition of Funds Collected.

Introduction, first reading and reference, 499.  
Reported, 738.  
Indefinitely postponed, 738.

**Senate Bill No. 202—(Judiciary)**

Senate Bill No. 202. A Bill for an Act Repealing Sections 7770, 7771, 7772, 7773, 7774, 7775 and 7776 of the Compiled Laws for 1913, Dealing with Amendment of Sheriff and Clerk of Court and Procedure, and Abolishing Amercement Proceedings.

Introduction, first reading and reference, 517.  
Reported, 622.  
Second reading, 676.

To House, 766, 1295.

House action, 1293, 1499, indefinitely postponed.

Returned to Senate, 1499.

**Senate Bill No. 203—(Thorson)**

Senate Bill No. 203. A Bill for an Act Providing for the Compromising, Adjustment and Payment of Delinquent Real Property Taxes and Declaring an Emergency.

Introduction, first reading and reference, 517.

Reported, 739, indefinitely postponed.

**Senate Bill No. 204—(Thorson)**

Senate Bill No. 204. A Bill for an Act to Amend and Re-enact Chapter 98 of the Session Laws of North Dakota for the Year 1935, Entitled as Follows: "An Act to Amend and Re-enact Section Six (6) of That Certain Initiated Law Adopted by the Voters of the State of North Dakota at the Special Election Held September 22, 1933, Entitled as Follows: "An Act Defining and Providing for the Manufacture, Sale and Distribution of Beer, Providing Revenue Therefrom, and Licenses Therefor, Prohibiting the Transfer of Licenses, Excluding Certain Persons from the Right to Purchase the Same, Appointing a State Beer Commissioner and Defining His Powers, Duties, and Salary, Authorizing Cities, Villages and County Commissioners to Provide a Local Tax and Prescribe Rules and Regulations Under Which Beer May Be Sold and Authorizing Municipalities to Provide Penalties for Violation of Their Regulations; Providing for the Administrative Expense of This Act; Making It Unlawful for Any Person to Engage in the Manufacture or Sale of Beer Without First Obtaining a License Therefor; Providing a Penalty for the Violation of the Provision Thereof; Providing for a Saving Clause as to Constitutionality; and Repealing Senate Bill No. 263, Passed by the 23rd Legislative Assembly of the State of North Dakota, and All Acts or Parts of Acts in Conflict With This Act, and Making an Appropriation to Carry Out the Provisions Thereof," and Declaring an Emergency."

Introduction, first reading and reference, 517.

Reported, 791.

Other action, 594, 792, 818, 839, 925.

Amended, 972.

Second reading, 972.

Lost, 973.

**Senate Bill No. 205—(Stucke, Fredrickson)**

Senate Bill No. 205. A Bill for an Act Empowering the State Public Health Advisory Council to Make, Amend, Repeal and Suspend Public Health Regulations Concerning the Production, Transportation, Processing, Handling, Sampling, Examination, Grading, Labeling, Regrading, and Sale of Milk and Milk Products, the Inspection of Health Certificates on Dairy Herds, Dairies and Milk Plants.

Introduction, first reading and reference, 518.  
Reported, 647.  
Second reading, 755.  
To House, 809.  
Returned to Senate, 1194, indefinitely postponed.

**Senate Bill No. 206—(Lavik)**

Senate Bill No. 206. A Bill for an Act to Amend and Re-enact Chapter 158, Session Laws of 1933, Relating to Foreclosure of Mortgages by Advertisement.

Introduction, first reading and reference, 518.  
Reported, 623.  
Amended, 623.  
Second reading, 677.  
House action, 1388, indefinitely postponed.

**Senate Bill No. 207—(Guthrie)**

Senate Bill No. 207. A Bill for an Act Making an Appropriation for the Payment of Expenses to Be Incurred and Premiums Paid by the North Dakota State Corn Show and the Missouri Slope Poultry Show.

Introduction, first reading and reference, 518.  
Reported, 691, indefinitely postponed.

**Senate Bill No. 208—(Judiciary)**

Senate Bill No. 208. A Bill for an Act to Amend and Re-enact Chapter 244 of the Session Laws of North Dakota for 1935, Requiring Judgment Creditors to File an Affidavit Identifying the Judgment Debtor, Forbidding Clerks of Court, and Other Officers to Enter Judgments Without Affidavits of Identification, and Providing a Penalty for Failure to Comply With This Law.

Introduction, first reading and reference, 518.  
Reported, 623.  
Second reading, 680.  
To House, 763, 1492.  
Returned to Senate, 1435, 1535.  
Signed by President, 1484.  
Sent to Governor, 1578.

**Senate Bill No. 209—(Blaisdell)**

Senate Bill No. 209. A Bill for an Act Repealing Chapter 184 of the Session Laws of 1931 Entitled "An Act to Relieve the Owner, Driver or Person Responsible for the Operation of a Motor Vehicle Upon the Public Highways from Civil Liability for the Accidental Death or Injury to a Guest Riding in Such Vehicle, Except in Case of Intoxication, Wilfull Misconduct or Gross Negligence" and Any Act Amendatory Thereof.

Introduction, first reading and reference, 518.  
Reported, 739, indefinitely postponed.

**Senate Bill No. 210—(Thorson)**

Senate Bill No. 210. A Bill for an Act to Provide for the Allocation and Use of Moneys Received by County Treasurers Under the Initiated Liquor Control Act Submitted to and Approved by the Electorate of the State of North Dakota on November 3rd, 1936, and to Replace Therewith to the Extent Thereof, the Taxes on Real Estate Levied and Assessed for the Purpose of Conducting and Operating the Common Schools.

Introduction, first reading and reference, 518.  
Reported, 947, indefinitely postponed.

**Senate Bill No. 211—(McGillic)**

Senate Bill No. 211. A Bill for an Act to Repeal Section 3684a10 of the Supplement to the Compiled Laws of 1913 and Chapter 189 of the Session Laws of 1935, Relating to the City Budget Law.

Introduction, first reading and reference, 519.  
Reported, 648, indefinitely postponed.

**Senate Bill No. 212—(Thatcher)**

Senate Bill No. 212. A Bill for an Act Providing for the Cancellation and Release of Gas and Oil Leases Which Have Expired by the Terms Thereof and Have Not Been Renewed of Record Within Five Years After the Expiration Thereof, and Declaring an Emergency.

Introduction, first reading and reference, 519.  
Second reading, 799.  
To House, 846, 1342.  
Returned to Senate, 1192, 1371.  
Signed by President, 1314.  
To Governor, 1498.

**Senate Bill No. 213—(McGillic, Young)**

Senate Bill No. 213. A Bill for an Act to Amend and Re-enact Section 2093 of the Supplement to the Compiled Laws of 1913, Defining Manner of Listing Real and Personal Property and Declaring an Emergency.

Introduction, first reading and reference, 519.  
Reported, 739.  
Other action, 806.  
Amended 840.  
Second reading, 804, 840.  
To House, 886.  
House action, 1086, indefinitely postponed.  
Returned to Senate, 1086.

**Senate Bill No. 214—(McGillic, Young)**

Senate Bill No. 214. A Bill for an Act to Amend and Re-enact Section 3314a6 of the Supplement to the Compiled Laws

of 1913, Providing that all Expenditures Must Conform to the County Budget as Adopted; Providing that no Bill Incurred in Excess of Any Budget Item May Be Paid or Included in Any Succeeding Appropriation or Budget, and Defining Duties of County Auditor.

Introduction, first reading and reference, 519.  
Reported, 623.  
Amended, 699.  
Second reading, 699.  
To House, 778.  
House action, 1062, indefinitely postponed.  
Returned to Senate, 1062.

**Senate Bill No. 215—(Blaisdell)**

Senate Bill No. 215. A Bill for an Act Providing for the Renewal of Mechanic's Liens and for the Cancellation and Discharge Thereof Unless Renewed Within Six Years From the Date of Filing.

Introduction, first reading and reference, 519.  
Reported, 523.  
Other action or amendments, 623, 650, 691, indefinitely postponed.

**Senate Bill No. 216—(Owings)**

Senate Bill No. 216. A Bill for an Act to Repeal Chapter 255 of the Session Laws of 1931, Relating to Teachers Oath or Affirmation to Be Taken and Subscribed to by Professors, Instructors and Teachers in Public Schools, Colleges and Universities of this State.

Introduction, first reading and reference, 520.  
Reported, 637.  
Second reading, 708.  
To House, 723.  
Returned to Senate, 1463, indefinitely postponed.

**Senate Bill No. 217—(Thatcher)**

Senate Bill No. 217. A Bill for an Act to Amend Section 578b4 of the 1925 Supplement to the Compiled Laws of North Dakota 1913 as Amended by Chapter 139 of the 1927 Session Laws, and Eliminating Therefrom the Requirement That a Master Electrician Furnish a Surety Bond to the State Board of Electricians, and Repealing all Acts or Parts of Acts in Conflict Herewith.

Introduction, first reading and reference, 520.  
Indefinitely postponed, 691.

**Senate Bill No. 218—(Trout and Lowe)**

Senate Bill No. 218. A Bill for an Act Providing for the Payment of a Bounty on Crows.

Introduction, first reading and reference, 520.  
 Reported, 648.  
 Amended, 648.  
 Second reading, 756.  
 To House, 809.  
 Returned to Senate, 1194, indefinitely postponed.

**Senate Bill No. 219—(Fowler)**

Senate Bill No. 219. A Bill for an Act to Amend and Re-enact Sections 2 and 3 of That Certain Initiated Measure Approved by the People of North Dakota on June 29th, 1932, Reducing and Fixing Salaries of County Officials; Providing for Appointment of Certain Deputies, Clerks and Assistants, Fixing Their Salaries; for Payment of All Fees to Counties, etc., Repealing Certain Acts in Conflict With Such Initiated Measures, and Declaring an Emergency.

Introduction, first reading and reference, 520.  
 Reported, 624.  
 Indefinitely postponed, 624.

**Senate Bill No. 220—(Kroeber)**

Senate Bill No. 220. A Bill for an Act to Repeal Chapter 138 of the Session Laws of North Dakota for the Year 1929 as Amended by Chapter 138 of the Session Laws of North Dakota for the Year 1931, Providing for the Storage of Grain Upon Farms and On or Near Railway Rights-of-Way Within the State of North Dakota; Regulating the Same for the Purpose of Procuring Loans Upon Such Grain; Making Provisions for the Issuance of Negotiable Warehouse Certificates Upon Grain so Stored, Not in a Public Warehouse; Creating the Office of "Grain Storage Commissioner of North Dakota", Prescribing His Duties and Empowering Him to Make Rules and Regulations Necessary or Advisable to the Purposes of Such Act; Prescribing Penalties for the Violation of the Provisions Thereof; and Repealing All Acts and Parts of Acts in Conflict Therewith.

Introduction, first reading and reference, 520.  
 Reported, 624, indefinitely postponed.

**Senate Bill No. 221—(Kroeber)**

Senate Bill No. 221. A Bill for an Act Authorizing the Appointment of a Person Holding an Appointive State Office Without Additional Salary.

Introduction, first reading and reference, 521.  
 Indefinitely postponed, 692.

**Senate Bill No. 222—(McGillic, Aasen, Nelson of Barnes, Young and Strehlow)**

Senate Bill No. 222. A Bill for an Act Establishing and Defining the Powers and Duties of a State Soil Conservation Committee; Providing for the Creation of Soil Conservation

Districts and Defining the Powers and Duties Thereof; Empowering Such Districts to Adopt Programs and Regulations in Connection With Land Use Practices; Providing for the Selection of District Supervisors; Providing for the Adoption of Land Use Regulations and Providing Penalty for Violation of the Same; Providing for Boards of Adjustment in Connection with Land Use Regulations; Providing for the Discontinuance of Districts; Making an Appropriation and Declaring an Emergency.

Introduction, first reading and reference, 521.  
 Reported, 740, 892.  
 Other action, 892, 1475.  
 Second reading, 931, 1461.  
 To House, 833, 1576.  
 Amended, 1434.  
 Returned to Senate, 1595.  
 Signed by President, 1540.  
 To Governor, 1599.

**Senate Bill No. 223—(Thatcher)**

Senate Bill No. 223. A Bill for an Act to Amend and Re-enact Section 4361 of the Compiled Laws of North Dakota, 1913, as Amended by Chapter 160 of the 1929 Session Laws and by Chapter 179 of the 1931 Session Laws, Relating to Marriage Licenses and Solemnization of Marriages, and Providing That a Period of Not Less Than Five Days Shall Elapse Between the Issuance of License and the Solemnization of the Marriage in Every Instance, and Repealing All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Introduction, first reading and reference, 521.  
 Reported, 818.  
 Other action, 818, indefinitely postponed.

**Senate Bill No. 224—(Olson)**

Senate Bill No. 224. A Bill for an Act to Amend and Re-enact Section 860, Compiled Laws of North Dakota of 1913, Providing for the Adoption and Creation of Political Parties, and the Preparation of Ballots and the Arrangement of Names on Ballots for Primary and General Elections, Including Candidates for Congress of the United States.

Introduction, first reading and reference, 521.  
 Reported, 917, indefinitely postponed.

**Senate Bill No. 225—(Lynn)**

Senate Bill No. 225. A Bill for an Act Amending and Re-enacting Section 10596 of the Compiled Laws of 1913 with Reference to Allowing Accused Counsel on Preliminary Examination, and Providing for Appointment of Counsel for Indigent Defendants by Magistrate.

Introduction, first reading and reference, 522.  
 Reported, 637, indefinitely postponed.

**Senate Bill No. 226—(Johnson)**

Senate Bill No. 226. A Bill for an Act Amending and Re-enacting Section 69 of the 1925 Supplement to the Compiled Laws of North Dakota, 1913, Relating to Printing of Popular and Authenticated Editions of the Session Laws, Reducing Numbers of Copies of Popular Editions Required to Be Printed, and Repealing All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Introduction, first reading and reference, 522.  
Reported.  
Second reading, 938.  
To House, 958, 1492.  
Returned to Senate, 1436, 1535.  
Signed by President, 1484.  
To Governor, 1578.

**Senate Bill No. 227—(Nelson of Grand Forks)**

Senate Bill No. 227. A Bill for an Act Re-establishing the North Dakota Mill and Elevator Association; Providing for the Creation of the Board of Managers and Defining Its Powers, Duties, and Qualifications to Such Board; Providing for the Appointment of an Auditor and for the Filling of Vacancies on Such Board; Providing for Removal of Members of Such Board; Providing for the Organization of Such Board and the Matter of Conducting Business; Providing Procedure in Actions Brought Against Such Association; Providing for Employees and Bonds; Providing for Examination by the State Examiner and Repealing Chapter 268 of Session Laws of 1931 and Chapter 193 of the Session Laws of 1933.

Introduction, first reading and reference, 522.  
Reported.  
Other action or amendments, 692.  
Amended, 769.  
Second reading, 768.  
To House, 846.  
Returned to Senate, 1137, indefinitely postponed.

**Senate Bill No. 228—(Nelson of Grand Forks)**

Senate Bill No. 228. A Bill for an Act Making an Appropriation for Constructing a Medical School Building, Furnishing and Equipping the Same at the State University at Grand Forks, North Dakota, Providing a Substantial Sum Is Obtained From the Federal Government or Any of Its Agencies, to Aid in the Construction, Furnishing and Equipping Said Building.

Introduction, first reading and reference, 522.  
Reported, 649.  
Indefinitely postponed, 649.

**Senate Bill No. 229—(Watt, Strehlow)**

Senate Bill No. 229. A Bill for an Act Relating to Capital



**Punishment and Providing for the Enforcement and Execution of the Death Penalty.**

Introduction, first reading and reference, 522.  
Reported, 794.  
Indefinitely postponed, 794.

**Senate Bill No. 230—(Whelan)**

Senate Bill No. 230. A Bill for an Act to Repeal Sections 9975 and 9976 of the Compiled Laws of 1913.

Introduction, first reading and reference, 523.  
Reported, 637.  
Indefinitely postponed, 661.

**Senate Bill No. 231—(Mutchler)**

Senate Bill No. 231. A Bill for an Act Providing for the Abolition of the Office of Common School District Treasurer Upon Majority Vote at Annual School Elections.

Introduction, first reading and reference, 523.  
Reported, 637.  
Second reading, 748.  
To House, 810.  
House action, 1242, indefinitely postponed.  
Returned to Senate, 1242.

**Senate Bill No. 232—(Johnson, Stucke)**

Senate Bill No. 232. A Bill for an Act to Amend and Re-enact Section 959 of the Supplement to the Compiled Laws of 1913 Relating to Election Ballots.

Introduction, first reading and reference, 523.  
Reported, 624.  
Second reading, 700.  
To House, 778.  
House action, 1986, indefinitely postponed.  
Returned to Senate, 1986.

**Senate Bill No. 233—(Tax and Tax Laws)**

Senate Bill No. 233. A Bill for an Act to Establish in the Office of the State Tax Commissioner a Division of Municipal Accounts and Finance, Prescribing the Duties of Such Division, Prescribing the Rendering of Reports and the Filing of Budgets by Political Subdivisions and Prescribing a Penalty for Failure to Do So, Repealing All Acts or Parts of Acts in Conflict Therewith, and Declaring an Emergency.

Introduction, first reading and reference, 523.  
Reported.  
Other actions or amendments, 806.  
Second reading, 806, indefinitely postponed.

**Senate Bill No. 234—(Tax and Tax Laws)**

Senate Bill No. 234. A Bill for an Act to Amend and Re-

enact Section 3684a2 of the Supplement to the Compiled Laws of North Dakota for the Year 1913, as Amended by Chapter 187 of the 1927 Session Laws for North Dakota, Providing for the Definition of "Council" and "Municipality" in the City Budget Law; Repealing All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

Introduction, first reading and reference, 523.  
Reported, 741.  
Other action, 741, indefinitely postponed.

**Senate Bill No. 235—(Taxes and Tax Laws)**

Senate Bill No. 235. A Bill for an Act Establishing a State Board of Public Finance, Setting Out the Membership Thereof, Defining the Duties of Such Board, Making It Unlawful for Any State Officer, Superintendent, Manager or Head of Any State Department to Purchase or Sell Securities for or on Behalf of the State and Providing a Penalty Therefor; Repealing All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

Introduction, first reading and reference, 523.  
Reported, 741.  
Other action, 741.  
Second reading, 820.  
To House, 885.  
House action, 1244, indefinitely postponed.  
Returned to Senate, 1244.

**Senate Bill No. 236—(Watt, Lavik, Olson, Lowe, Drew, Young,**

Senate Bill No. 236. A Bill for an Act Prohibiting the Admission of Any Minor Into Any Retail Liquor Store in the State of North Dakota Holding an "On Sale" License Under the Provisions of the Liquor Control Act of This State, and Requiring Rigid Enforcement of This Act by Police Officials and State's Attorneys, and Declaring an Emergency.

Mutchler, Crandall)  
Introduction, first reading and reference, 524.  
Reported, 792.  
Other action, 818, indefinitely postponed.  
Second reading, 842.  
To House, 886.  
Returned to Senate, 1127, indefinitely postponed.

**Senate Bill No. 237—(Tax and Tax Laws)**

Senate Bill No. 237. A Bill for an Act Establishing the County Unit Plan of School Organization, and Repealing All Other Acts and Parts of Acts in Conflict Herewith.

Introduction, first reading and reference, 596.  
Reported, 818.  
Other action, 818. Indefinitely postponed.

**Senate Bill No. 238—(Tax and Tax Laws)**

Senate Bill No. 238. A Bill for an Act Providing for the

Payment to the State Treasurer of All Public Monies of the State of North Dakota, and the Disbursement and Expenditure Thereof Only Upon Prior Appropriation by the Legislature, Appropriating Certain Monies, and Providing Further that Expenditures May Be Made Only Upon Warrant After Audit of Itemized Statements of All Claims Against The State, County or Other Political Subdivision, Repealing All Acts or Parts of Acts in Conflict Therewith, Declaring an Emergency and Providing a Saving Clause.

Introduction, first reading and reference, 596.

Other action, 638.

Second reading, 904.

To House, 957.

Returned to Senate, 1136, indefinitely postponed.

#### Senate Bill No. 239—(Guthrie)

Senate Bill No. 239. A Bill for an Act Authorizing and Directing the State Historical Society of North Dakota to Sell to the United States Government Lands Acquired for Park Purposes at Arrowood Lake in Stutsman County, North Dakota and Providing for Manner of Disposing of Funds Accruing From Said Sale, and Declaring an Emergency.

Introduction, first reading and reference, 597.

Reported, 854.

Second reading, 905.

To House, 957, 1343.

Returned to Senate, 1193, 1370.

Signed by President, 1315.

To Governor, 1498.

#### Senate Bill No. 240—(Kroeber)

Senate Bill No. 240. A Bill for an Act to Amend and Re-enact Section 5235a1 of the 1925 Supplement to the Compiled Laws of North Dakota 1913 Relating to the Securities Commission, and Making the State Examiner Ex-officio Secretary of That Commission, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Introduction, first reading and reference, 597.

Reported, 947.

Second reading, 977, indefinitely postponed.

#### Senate Bill No. 241—(Kroeber)

Senate Bill No. 241. A Bill for an Act to Amend Section 368a3 of the 1925 Supplement to the Compiled Laws of North Dakota 1913 Relating to the Industrial Commission of North Dakota and Providing and Designating the Secretary of Such Commission, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Introduction, first reading and reference, 597.

Indefinitely postponed, 947.

**Senate Bill No. 242**—(Blaisdell, Lowe, Nelson of Grand Forks, McGillic and Fowler)

Senate Bill No. 242. A Bill for an Act Making an Appropriation for the Payment of Expenses to Be Incurred by Boys' and Girls' Club Work at State and District Fairs.

Introduction, first reading and reference, 651.

Reported, 892.

Indefinitely postponed, 892.

**Senate Bill No. 243**—(Fine, Skarvold, Nelson of Barnes, Williams)

Senate Bill No. 243. A Bill for an Act Making an Emergency Appropriation for High School Correspondence Courses; and Declaring an Emergency.

Introduction, first reading, reference, 651.

Reported, 792, 892.

Other action, 793.

Amended, 929.

Second reading, 929.

To House, 958.

Returned to Senate, 1436, 1536.

Signed by President, 1508.

Sent to Governor, 1578.

**Senate Bill No. 244**—(Johnson)

Senate Bill No. 244. A Bill for an Act Making an Appropriation to the State Historical Society for the Purchase of Land and/or Materials to Be Used in the Reconstruction of Fort Abercrombie; and Declaring an Emergency.

Introduction, first reading and reference, 651.

Reported, 818.

Second reading, 867.

To House, 926.

Returned to Senate, 1194, indefinitely postponed.

**Senate Bill No. 245**—(McGillic)

Senate Bill No. 245. A Bill for an Act Directing the Board of Railroad Commissioners to Test Electric Meters of Electric Utility Companies and Gas Meters of Gas Utility Companies, and to Determine the Heat Values of Natural and/or Artificial Gas Distributed by Public Gas Utility Companies, and Making an Appropriation for Testing Equipment Therefor, and Declaring an Emergency.

Introduction, first reading and reference, 676.

Reported, 948.

Second reading, 978.

To House, 101, 1343.

Returned to Senate, 1241, 1370.

Signed by President, 1313.

To Governor, 1498.

**Senate Bill No. 246**—(Taxes and Tax Laws)

Senate Bill No. 246. A Bill for an Act, Providing for

the Issuance by the Industrial Commission of Certificates of Indebtedness in Anticipation of the Collection of Property Taxes, Which Have Been Levied by the State Board of Equalization; Prescribing the Terms and Conditions Hereof; Providing for Their Sale and Delivery and Payment; Establishing of the Certificate of Indebtedness Retirement Fund, and Repealing All Acts or Parts of Acts Inconsistent With the Provisions of This Act, and Declaring an Emergency.

Introductoin, first reading and reference, 819.  
 Reported, 873.  
 Other action, 873.  
 Second reading, 930, 1471.  
 To House, 933, 1492.  
 Amended, 1453.  
 To Senate, 1453, 1535.  
 Signed by President, 1484.  
 Sent to Governor, 1578.

**Senate Bill No. 247—(Appropriations)**

Senate Bill No. 247. A Bill for an Act Making an Appropriation for Payment of a Deficit in the Amount Appropriated for Payment of Per Diem of Employees of Twenty-Fifth Legislative Assembly, and Declaring an Emergency.

Introduction, first reading and reference, 819.  
 Reported, 873.  
 Other action, 873, 1559.  
 Second reading, 928, 1581.  
 To House, 932, 1343, 1597.  
 Returned to Senate, 1192, 1370, 1563, 1579, 1599.  
 Signed by President, 1313, 1596.  
 Sent to Governor, 1498, 1611.

**Senate Bill No. 248—(Gronvold, Nelson of Grand Forks)**

Senate Bill No. 248. A Bill for an Act to Encourage and Promote the Payment of Taxes By Providing for a Rebate On Payments.

Introduction, first reading and reference, 819.  
 Reported, 874.  
 Other action, 1367, 1375.  
 Second reading, 978, 1368.  
 To House, 1333, 1354, 1344, 1390, 1492.  
 To Senate, 1534, 1240.  
 Signed by President, 1315.  
 To Governor, 1578.

**Senate Bill No. 249—(Women's and Children's Welfare)**

Senate Bill No. 249. A Bill for an Act to Amend and Re-enact Section 400 of the Compiled Laws of North Dakota for the Year 1913, Providing for the Powers and Duties of the State Board of Health, and Declaring an Emergency.

Introduction, first reading and reference, 819.  
 Reported, 917. Indefinitely postponed.

**Senate Bill No. 250—(Women's and Children's Welfare)**

Senate Bill No. 250. A Bill for an Act to Amend and Re-enact Section 4444 and 4446 of Chapter 9 of the Supplement to the Compiled Laws of North Dakota for the Year 1913, Providing for Adoption of Minors and Adults, and Declaring an Emergency.

Introduction, first reading and reference, 819.

Reported, 854.

Second reading, 905.

To House, 958.

Returned to Senate, 1193, indefinitely postponed.

**Senate Bill No. 251—(Delayed Bills)**

Senate Bill No. 251. A Bill for an Act Amending and Re-enacting Section 15, of Chapter 71, of the Session Laws of the State of North Dakota for the Year 1933, Relating to Duties, Examinations and Fees of the State Examiner.

Introduction, first reading and reference, 855.

Reported, 948.

Other action, 948, indefinitely postponed.

**Senate Bill No. 252—(Delayed Bills)**

Senate Bill No. 252. A Bill for an Act to Amend and Re-enact Section 2, of Chapter 274, of the Session Laws of North Dakota for the Year 1935, Relating to the Deduction of Delinquent Personal Property Taxes from Salaries or Other Compensation of Elective and Appointive Officers, Agents and Employees of the State of North Dakota, All Bureaus, Boards, Commissions and Departments, and All Persons Receiving Public Funds and Extending the Application Thereof to Persons Receiving, Claiming or Demanding Money from Municipalities and Political Sub-divisions Within the State.

Introduction, first reading and reference, 855.

Reported, 874.

Other action, 875.

Amended, 962.

Second reading, 961.

To House, 1000, 1344.

Returned to Senate, 1193, 1370.

Signed by President, 1314.

To Governor, 1498.

**Senate Bill No. 253—(Delayed Bills)**

Senate Bill No. 253. A Bill for an Act to Amend and Re-enact Sections 5 and 6 of Chapter 109 of the Session Laws of North Dakota for the Year 1935, Relating to Mutual Aid Corporations, and Declaring an Emergency.

Introduction, first reading and reference, 855.

Reported, 948.

Second reading, 991.

To House, 1002, 1354.

Returned to Senate, 1193, 1443.

Indefinitely postponed, 1534.

**Senate Bill No. 254—(Delayed Bills)**

Senate Bill No. 254. A Bill for an Act to Amend and Re-enact Section 2 and to Repeal Sections 3 and 4 of Chapter 138 of the North Dakota Session Laws for the Year 1929, Entitled "An Act to Provide for the Storage of Grain Upon Farms and on or Near Railway Rights-of-Way Within the State of North Dakota; Regulating the Same for the Purpose of Procuring Loans Upon Such Grain; Making Provisions for the Issuance of Negotiable Warehouse Certificates Upon Grain so Stored, Not in a Public Warehouse; Creating the Office of 'Grain Storage Commissioner of North Dakota,' Prescribing His Duties and Empowering Him to Make Rules and Regulations Necessary or Advisable to the Purposes of Such Act; Prescribing Penalties for the Violation of the Provisions Thereof; and Repealing All Acts or Parts of Acts in Conflict Therewith.

Introduction, first reading and reference, 910.

Reported, 917.

Second reading, 939.

To House, 958, 1242.

Returned to Senate, 1342, indefinitely postponed.

**Senate Bill No. 255—(Committee on Printing)**

Senate Bill No. 255. A Bill for an Act Relating the Introduction and Printing of Bills and Providing for an Official Seal for Each Branch of the Legislative Assembly; Repealing Section 52 of the Compiled Laws of 1913 and All Acts and Parts of Acts in Conflict Herewith.

Introduction, first reading and reference, 922.

Reported, 948.

Other action, 948.

Second reading, 992, 1497.

To House, 1515.

Amended, 1449.

Conference Committee, 1471, 1474, 1496.

Returned to Senate, 1449, 1537.

Signed by President, 1510.

To Governor, 1578.

**Senate Bill No. 256—(Delayed Bills)**

Senate Bill No. 256. A Bill for an Act to Amend and Re-enact Sections 4 and 28 of Chapter 157 of the Session Laws of North Dakota for 1927, Relating to the Occupation of Hairdressers and Cosmetologists, the Conduct of Schools for Hairdressers and Cosmetologists, and to Provide Penalties for Violation Thereof.

Introduction, first reading and reference, 954.

Reported, 853, 994.

Other action, 853, 994, 1202.

Second reading, 999.

To House, 1344.

Amended, 1192.

Returned to Senate, 1192, 1370.

Signed by President,

To Governor, 1498.

# HOUSE BILLS

## House Bill No. 1

House Bill No. 1. A Bill for an Act Making an Emergency Appropriation out of Monies in the Retail Sales Tax Fund Created by Chapter 276, Laws of 1935, to Provide for the Relief of Destitute and Necessitous Persons and for Other Welfare Activities; Providing for the Distribution of This Appropriation by the Public Welfare Board; and Declaring an Emergency, and Repealing all Acts and Parts of Acts in Conflict Herewith.

Received from House, 71, 117.  
First reading and reference, 77.  
Reported back, 81.  
Passed, 85.  
Returned to House, 85, 117.  
Other action, 87, 99, 100, 104.  
Signed by President, 117.

## House Bill No. 2

House Bill No. 2. A Bill for an Act Providing for the Prevention of Nepotism and Prohibiting the Appointment by the Head of any Executive or Administrative Department of the State or by any County Officer, of His or Her Wife or Husband, Son or Daughter, Brother or Sister, to any Position in Said Department or Under the Control of Such Department Head or Officer, Declaring Such Appointment a Misdemeanor and Providing Penalties Therefor; Repealing Acts or Parts of Acts in Conflict Herewith and Declaring an Emergency to Exist.

Received from House, 197, 698.  
First reading and reference, 221.  
Reported back, 558.  
Passed, 604.  
Returned to House, 645, 763.  
Signed by President, 735.

## House Bill No. 4

House Bill No. 4. A Bill for an Act Making an Appropriation for the Care of Insane Patients Whose Residence Cannot be Determined and Whose Care Must be Borne by the State.

Received from House, 174, 587.  
First reading and reference, 182.  
Reported back, 414.  
Passed, 457.  
Returned to House, 514, 611.  
Signed by President, 610.

## House Bill No. 5

House Bill No. 5. A Bill for an Act Making an Appropria-



tion to Pay Expenses of Erecting Headstones Over the Graves of Soldiers, Sailors and Marines of the United States War of the Rebellion.

Received from House, 174.  
 First reading and reference, 182.  
 Indefinitely postponed, 558.  
 Returned to House, 614.

#### House Bill No. 6

House Bill No. 6. A Bill for an Act Making an Appropriation to Pay the Burial Expenses of Inmates of the Penitentiary and State Training School as Prescribed by Section 11302 of the Supplement to the 1913 Compiled Laws of North Dakota.

Received from House, 174.  
 First reading and reference, 182.  
 Indefinitely postponed, 623.  
 Returned to House, 684.

#### House Bill No. 10

House Bill No. 10. A Bill for an Act Making an Appropriation for the Purpose of Paying Insurance Tax to the Various Fire Departments of the State, in Compliance With the Provisions of Sections 3993 to 3998, Inclusive, of the Compiled Laws of 1913.

Received from House, 174, 697.  
 First reading and reference, 182.  
 Reported back, 558.  
 Passed, 605.  
 Returned to House, 645, 763.  
 Signed by President, 725.

#### House Bill No. 11

House Bill No. 11. A Bill for an Act Making an Appropriation for Acquiring and Maintaining State Parks as Provided for in Chapter 216, Session Laws of 1935.

Received from House, 174, 698.  
 First reading and reference, 182.  
 Reported back, 558.  
 Passed, 605.  
 Returned to House, 645, 764.  
 Signed by President, 725.

#### House Bill No. 12

House Bill No. 12. A Bill for an Act Making an Appropriation to Provide Funds for the Maintenance of the North Dakota National Guard or State Militia, as Provided for Under Chapter 35 of the Political Code of the Compiled Laws of North Dakota, for the Year 1913 and Amendments

There to, and to Meet Other Requirements Prescribed by the Federal Statutes.

Received from House, 387, 759.  
First reading and reference, 401.  
Reported back, 593.  
Passed, 679.  
Returned to House, 686, 779.  
Signed by President, 762.

#### House Bill No. 13

House Bill No. 13. A Bill for an Act to Amend and Re-enact Section 4547 of the Compiled Laws of North Dakota for the Year 1913.

Received from House, 174, 358.  
First reading and reference, 182.  
Reported back, 270.  
Passed, 323.  
Returned to House, 333, 429.  
Signed by President, 425.

#### House Bill No. 14

House Bill No. 14. A Bill for an Act to Conserve the Natural Gas and Oil Resources of the State of North Dakota, to Prevent Waste through Negligent Methods of Operation, and to Provide for the Prescribing and Enforcing of Rules and Regulations Governing the Drilling, Casing and Abandonment of Oil and Gas Wells and the Waste of Oil and Gas, and Providing a Penalty for the Violation Thereof.

Received from House, 197, 280.  
First reading and reference, 221.  
Reported back, 237.  
Passed, 264.  
Returned to House, 280, 386.  
Signed by President, 384.

#### House Bill No. 15

House Bill No. 15. A Bill for an Act to Encourage the Investment of Moneys in the State of North Dakota, and to Encourage the Development of the Natural Resources of this State, and to Provide a Market for the Gas and Oil Deposits in this State, Including Those Owned by the State of North Dakota, and the Counties Thereof, and to Permit the Marketing of Such Natural Resources by Selling Natural Gas and Oil to the State, County, and School Districts, Upon Condition That the Seller Purchase From Actual Production or Produce in this State an Amount of Gas or Oil at Least Equivalent to the Amount it Delivers to Said State, County and School District Buildings, and Requiring Such Sellers to Make Reports of its Sale and Purchase and Production, Under Oath, and Providing a Penalty for Violation Thereof, and Repealing Acts in Conflict Herewith.

Received from House, 225, 1326.

First reading and reference, 239.  
Reported back, 875.  
Other action, 1009, 1024.  
Passed, 1025.  
Returned to House, 1039, 1422.  
Signed by President, 1408.

#### House Bill No. 16

House Bill No. 16. A Bill for an Act to Encourage the Investment of Capital in the State of North Dakota in Connection with the Business of Securing, Saving, Storing and Refining of Petroleum and Petroleum Products, and to Fix and Determine a method for the Finding and Fixing a Limitation on Valuations Thereof for the Purposes of Taxation.

Received from House, 226, 698.  
First reading and reference, 240.  
Reported back, 558.  
Other action, 668.  
Passed, 606.  
Returned to House, 643, 656, 764.  
Signed by President, 725.

#### House Bill No. 17

House Bill No. 17. A Bill for an Act to Authorize the Board of County Commissioners of the Counties in the State of North Dakota, to Make, Execute and Deliver, on Behalf of the County, Leases and Other Contracts for the Purpose of Mining, and Operating for Oil and Gas, Lay Pipe Lines, and for Establishing and Maintaining Tanks, Power Stations and Structures Thereon, to Produce, Save, Sell and Take Care of Said Products, Together with Power and Authority to Include in the Provisions of Said Leases Any and All Provisions Which Would Be Within the Power of an Individual owner to Make, With Certain Limitations, and Providing for the Distribution of Moneys Received from Said Leases: Repeal: Declaring an Emergency.

Received from House, 226, 715.  
First reading and reference, 240.  
Reported back, 363.  
Other action, 425, 505, 513, 516, 629, 644.  
Passed, 663.  
Returned to House, 461, 779.  
Signed by President, 762.

#### House Bill No. 18

House Bill No. 18. A Bill for an Act to Provide for the Taxation of Drilling Rigs and All Other Equipment Used in Prospecting for Oil and Gas in the State of North Dakota.

Received from House, 186, 587.  
First reading and reference, 195.  
Reported back, 437.  
Passed, 509.  
Returned to House, 543, 611.  
Signed by President, 610.

**House Bill No. 19**

House Bill No. 19. A Bill for an Act to Provide for the Distribution of all Moneys Received From the Treasury of the United States, Under the Provisions of the Act of Congress of February 25, 1920 (Public Number 146) to Place the Same in the State Equalization Fund of the State of North Dakota, and to Be Distributed as Provided by Chapter 260 of the Laws of the State of North Dakota for 1935.

Received from House, 226, 526.  
First reading and reference, 240.  
Reported back, 363.  
Passed, 424.  
Returned to House, 462, 543.  
Signed by President, 610.

**House Bill No. 20**

House Bill No. 20. A Bill for an Act to Amend Section 10254 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to Jumping Hotel Bills and Further Providing for the Repeal of All Acts or Parts of Acts in Conflict Herewith.

Received from House, 325.  
First reading and reference, 338.  
Indefinitely postponed, 626.  
Returned to House, 684.

**House Bill No. 21**

House Bill No. 21. A Bill for an Act Defining the Practice of Naturopathy in the State of North Dakota; Establishing a Board of Naturopathic Examiners; Outlining Their Duties; Specifying Their Compensation; Providing Penalties for Violation; repealing Acts or Parts of Acts in Conflict Herewith and Declaring an Emergency.

Received from House, 253.  
First reading and reference, 278.  
Reported back, 583.  
Indefinitely postponed, 1032.  
Other action, 1044.  
Returned to House, 1091.

**House Bill No. 24**

House Bill No. 24. A Bill for an Act Making an Appropriation to Pay for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State University at Grand Forks, North Dakota.

Received from House, 357, 1064.  
First reading and reference, 399.  
Reported, 692.  
Passed, 895.  
Returned to House, 899, 1065.  
Signed by President, 1064.

**House Bill No. 25**

House Bill No. 25. A Bill for an Act Making a Special Appropriation to Pay for the General Maintenance of the School of Medicine at the State University, Grand Forks, North Dakota.

Received from House, 357, 1064.  
First reading and reference, 399.  
Reported, 693.  
Passed, 896.  
Returned to House, 899, 1065.  
Signed by President, 1064.

**House Bill No. 26**

House Bill No. 26. A Bill for an Act Making an Appropriation to Pay the General Maintenance, Improvements and Repairs, Equipment, Miscellaneous and Public Service of the Agricultural College, Fargo, North Dakota.

Received from House, 752, 1064.  
First reading and reference, 759.  
Reported, 877.  
Passed, 897.  
Returned to House, 899, 1065.  
Signed by President, 1065.

**House Bill No. 27**

House Bill No. 27. A Bill for an Act Making an Appropriation to Pay the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items of the Experiment Station at the Agricultural College, Fargo, North Dakota and its Branch Stations.

Received from House, 752, 1063.  
First reading and reference, 759.  
Reported, 877.  
Passed, 897.  
Returned to House, 899, 1063.  
Signed by President, 1065.

**House Bill No. 28**

House Bill No. 28. A Bill for an Act Making an Appropriation to Pay the General Maintenance, and as an Offset for Federal Aid, in Extension Division Work of the Agricultural College.

Received from House, 752, 1063.  
First reading and reference, 759.  
Reported, 878.  
Passed, 898.  
Returned to House, 900, 1066.  
Signed by President, 1064.

**House Bill No. 29**

House Bill No. 29. A Bill for an Act Amending and Re-

enacting Section 1245 of Compiled Laws of North Dakota for the Year 1913 Relating to the Elections of Officers of Special School Districts and Prescribing Qualifications Therefor, and Declaring an Emergency.

Received from House, 342, 1116.  
First reading and reference, 352.  
Reported, 693.  
Other action, 1037.  
Passed, 1045.  
Returned to House, 1050, 1126.  
Signed by President, 1122.

#### House Bill No. 30

House Bill No. 30. A Bill for an Act Making a Special Appropriation for the General Maintenance, Improvements and Repairs and Equipment for the New Addition to the Infirmary of the State Tuberculosis Sanatorium at San Haven, North Dakota, from April 1, 1937, to June 30, 1937, and Declaring an Emergency.

Received from House, 226, 526.  
First reading and reference, 240.  
Reported, 362.  
Passed, 402.  
Returned to House, 428, 543.  
Signed by President, 541.

#### House Bill No. 31

House Bill No. 31. A Bill for an Act to Amend and Re-enact Section 4950a13 of the Supplement to the Compiled Laws of North Dakota, Relating to County Mutual Insurance Companies, and Declaring an Emergency.

Received from House, 283, 627.  
First reading and reference, 323.  
Reported back, 493.  
Passed, 538.  
Returned to House, 580, 684.  
Signed by President, 672.

#### House Bill No. 32

House Bill No. 32. A Bill for an Act to Amend and Re-enact Section 1 and 2 of Chapter 195 of the Session Laws for 1935, Relating to Funding and Refunding Existing Indebtedness of Municipalities, and Declaring an Emergency.

Received from House, 253, 526.  
First reading and reference, 278.  
Reported back, 361.  
Other action, 401, 402.  
Passed, 538.  
Returned to House, 428, 542.  
Signed by President, 541.

**House Bill No. 33**

House Bill No. 33. A Bill for an Act to Establish Cream Grading and Testing; to Establish Grades of Cream Quality, Methods for Determining Such Grades and Provisions to Insure the Purchase of Cream on the Basis of Such Grade; to Establish Equitable Differentials of Value Between Grades; Establishing Necessary Licensing Provisions; Providing Penalties for Violation of the Act and Repealing Acts or Parts of Acts in Conflict Herewith.

Received from House, 774, 1328.  
 First reading and reference, 803.  
 Reported, 1046.  
 Passed, 402.  
 Returned to House, 1185, 1423.  
 Signed by President, 1411.

**House Bill No. 35**

House Bill No. 35. A Bill for an Act to Amend and Re-enact Subdivision 5 of Section 4059, of the 1925 Supplement to the Compiled Laws of the State of North Dakota for 1913, Relating to Powers of Park Commission, and Declaring an Emergency.

Received from House, 266.  
 First reading and reference, 278.  
 Reported, 539, 559.  
 Indefinitely postponed, 559.  
 Returned to House, 614.

**House Bill No. 36**

House Bill No. 36. A Bill for an Act Forbidding Compulsory Military Training and Tactics in State Supported Educational Institutions.

Received from House, 267, 682.  
 First reading and reference, 279.  
 Reported, 459, 506.  
 Passed, 540.  
 Returned to House, 580, 763.  
 Signed by President, 725.

**House Bill No. 37**

House Bill No. 37. A Bill for an Act to Amend and Re-enact Section 1160 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to the Organization of Common School Districts.

Received from House, 226, 1211.  
 First reading and reference, 241.  
 Reported back, 693.  
 Passed, 1057.  
 Returned to House, 1129, 1246.  
 Signed by President, 1236.

**House Bill No. 39**

House Bill No. 39. A Bill for an Act Providing for the

Regulation of Roving Grain Buyers, Other Than Public Warehouses or Public Warehousemen and Track Buyers, and Defining Who Are Such Roving Grain Buyers; Act Not Applicable to Whom; License and Bond Required; Powers and Duties of Railroad Commission; Granting the Board of Railroad Commissioners Power to Make Rules and Regulations Governing the Business of Roving Grain Buyers; Records Required by Dealers; Appropriating the Fees Collected to the Use of the Board of Railroad Commissioners for the Administration and Enforcement of the Act; Penalty for Violation of Act.

Received from House, 430, 1161.  
 First reading and reference, 456.  
 Reported, 722.  
 Passed, 1066.  
 Returned to House, 1089, 1180.  
 Signed by President, 1178.

#### House Bill No. 40

House Bill No. 40. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Penitentiary.

Received from House, 407, 796, 1610.  
 First reading and reference, 423.  
 Reported back, 559.  
 Other action, 667, 675, 677, 743, 745, 803, 889, 1584.  
 Passed, 1584.  
 Returned to House, 644, 807, 1393, 1611.  
 Signed by President, 803, 1611.

#### House Bill No. 41

House Bill No. 41. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State School for the Blind at Bathgate, North Dakota.

Received from House, 430, 698.  
 First reading and reference, 456.  
 Reported back, 560.  
 Passed, 607.  
 Returned to House, 641, 764.  
 Signed by President, 725.

#### House Bill No. 42

House Bill No. 42. A Bill for an Act Making an Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the Department of the Registrar of Motor Vehicles.

Received from House, 430, 796.  
 First reading and reference, 456.  
 Reported back, 560.  
 Other action, 667, 675, 744.



Passed, 608.  
Returned to House, 656, 807.  
Signed by President, 803.

#### House Bill No. 43

House Bill No. 43. A Bill for an Act Making an Appropriation for the General Maintenance, a New Building, Equipment and Miscellaneous Expenses of the State Hospital for the Insane at Jamestown, North Dakota.

Received from House, 387, 697.  
First reading and reference, 401.  
Reported back, 561.  
Passed, 609.  
Returned to House, 614, 763.  
Signed by President, 726.

#### House Bill No. 44

House Bill No. 44. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses for the Tuberculosis Sanatorium at San Haven, North Dakota.

Received from House, 463, 1064.  
First reading and reference, 508.  
Reported back, 593.  
Passed, 909.  
Returned to House, 956, 1066.  
Signed by President, 1065.

#### House Bill No. 45

House Bill No. 45. A Bill for an Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items of the School for the Deaf at Devils Lake, North Dakota.

Received from House, 407, 1502, 1533.  
First reading and reference, 423.  
Reported back, 956, 1512, 1557.  
Passed, 910, 1274.  
Signed by President, 1554.

#### House Bill No. 46

House Bill No. 46. A Bill for an Act to Appropriate Money for the Expenses of the Executive, Legislative and Judicial Departments of the State Government, and for Public Schools, Specifying the Amount and Time for Which Such Appropriations Shall Be Available, and Repealing All Acts, or Parts of Acts, Insofar as the Same Shall Relate to Appropriations Conflicting Herewith or to Appropriations for the Same Matters or Purposes Provided for Herein.

Received from House, 774, 1552, 1600.

First reading and reference, 802.  
Reported back, 1349.  
Passed, 1250.  
Returned to House, 1379, 1603.  
Signed by President, 1602.

#### House Bill No. 47

House Bill No. 47. A Bill for an Act Making an Appropriation for the Purpose of Paying Travel Expenses of the Office of the State Examiner, as Provided by Chapter 71, Session Laws of 1933; Declaring an Emergency.

Received from House, 463, 1210.  
First reading and reference, 507.  
Reported back, 693.  
Passed, 1058.  
Returned to House, 1129, 1246.  
Signed by President, 1236.

#### House Bill No. 52

House Bill No. 52. A Bill for an Act to Validate and Legalize Proceedings Taken Under Chapter 116, Laws 1919, to Establish and Construct Flood Irrigation Projects, Issue Bonds, Warrants and Other Evidences of Indebtedness to Finance the Cost of Such Projects, Levy Assessments and Taxes for the Payment of Such Indebtedness, and Declaring Such Obligations and Obligations Issued or to Be Issued to Fund Such Indebtedness Valid and Legal, and Declaring an Emergency.

Received from House, 343, 570.  
First reading and reference, 352.  
Reported back, 514.  
Passed, 578.  
Returned to House, 587, 685.  
Other action, 601.  
Signed by President, 673.

#### House Bill No. 53

House Bill No. 53. A Bill for an Act Making It Unlawful to Encourage, Cause or Contribute to the Delinquency of a Minor.

Received from House, 283, 1161.  
Reported back, 628.  
First reading and reference, 323.  
Passed, 1036.  
Other action 656.  
Returned to House, 1089, 1180.  
Signed by President, 1178.

#### House Bill No. 54

House Bill No. 54. A Bill for an Act Prohibiting the Marriage of Minors Under the Supervision of the Juvenile

Court of State Training School, Without Order of the Juvenile Court or Superintendent of the State Training School; for the Annullment of Such Marriage; and Prescribing Penalties.

Reseiced from House, 406, 1116, 1162.  
 First reading and reference, 423.  
 Reported back, 628.  
 Passed, 1019.  
 Returned to House, 1040, 1126.  
 Signed by President, 1122.

#### House Bill No. 55

House Bill No. 55. A Bill for an Act to Amend and Re-enact Section 41, Chapter 162, Session Laws of North Dakota, 1927, as Amended and Re-enacted by Chapter 141, Session Laws of North Dakota, 1929, Authorizing the State Highway Commissioner or Such of His Employees as he May Designate and Local Authorities to Prohibit or Restrict the Use of Highways Under the Jurisdiction of Such Officers, and Declaring an Emergency.

Received from House, 325, 1522.  
 First reading and reference, 338.  
 Reported back, 1080.  
 Passed, 1209.  
 Returned to House, 1392, 1528.  
 Signed by President, 1527.

#### House Bill No. 57

House Bill No. 57. A Bill for an Act Declaring Volunteer Firemen to Be Employees of the Municipalities Which They Serve, and Entitled to the Protection of the Workmen's Compensation Laws of the State; Defining the Term "Volunteer Firemen"; Fixing the Basis of Payment of Benefits Out of the Workmen's Compensation Fund and the Method of Making Assessments of Premiums Against Municipalities.

Received from House, 326, 750.  
 First reading and reference, 338.  
 Reported back, 494.  
 Passed, 539.  
 Returned to House, 581, 779.  
 Signed by President, 762.

#### House Bill No. 58

House Bill No. 58. A Bill for an Act to Amend and Re-enact Section 3352 of the 1913 Compiled Laws of North Dakota.

Received from House 232.  
 First reading and reference, 241.  
 Reported back, 650.  
 Lost, 1036.  
 Returned to House, 1091.

**House Bill No. 59**

House Bill No. 59. A Bill for an Act Permitting the Board of County Commissioners to Adjust Real Estate Taxes Levied or Assessed Against Property Within Their County Delinquent Prior to December 1, 1936. Permitting Payments in Six Installments. Providing Manner of Payments. Suspending Operation of Law and Collection of Delinquent Taxes. Permitting Suit by Civil Action and Declaring an Emergency.

Received from House, 640.  
First reading and reference, 671.  
Reported back, 1135.  
Other action, 1316.  
Conference Committee, 1549, -569.  
Passed, 1330.  
Returned to House, 1452, 1592.  
Signed by President, 1590.

**House Bill No. 60**

House Bill No. 60. A Bill for an Act Making an Appropriation to Provide Funds for the Payment of a Deficit in the Office of the Commissioner of Agriculture and Labor.

Received from House, 463, 919.  
First reading and reference, 507.  
Reported back, 593.  
Passed, 800.  
Returned to House, 845, 956.  
Signed by President, 935.

**House Bill No. 68**

House Bill No. 68. A Bill for an Act Creating a State Painters and Decorators Commission; Defining the Terms "Master and Contracting Painter," "Journeyman Painter," "Apprentice Painter"; Providing for the Appointment of the Members of Such Commission and Fixing Their Terms of Office and Compensation; Authorizing Such Commission to Promulgate Rules and Regulations Covering Examination and Licensing of Master, Journeymen and Apprentice Painters; Providing for Holding Such Examinations; Prohibiting Unlicensed Persons, Firms and Corporations from Engaging in the Business of Painting; Fixing Fees to Be Paid by Applicants for Examinations and Providing for the Issuance of Permits and for the Disposition of Such Funds; Providing for the Revocation of Permits; Providing Penalties for the Violation of This Act; Repealing All Acts or Parts of Acts in Conflict Therewith, and Providing for a Saving Clause as to Constitutionality:

Received from House, 343.  
First reading and reference, 352.  
Reported back, 412.  
Other action, 411, 439, 455, 533.  
Indefinitely postponed, 534.  
Returned to House, 542.

**House Bill No. 69**

House Bill No. 69. A Bill for an Act to Amend and Re-enact Section 2122a of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, as Amended by That Certain Initiated Measure Entitled: "An Act to Amend and Re-enact Chapter 59 of the Laws of North Dakota for the Year 1917, as Amended by Chapter 220 of the Laws of North Dakota, Enacted by the Regular Session of the Legislature, for the Year 1919, as Amended by Chapter 298 of the Laws of North Dakota for the Year 1923, the Same Being Section 2122a of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, Relating to the Basis from Seventy-five (75) Per Cent of the Full and True Value Thereof to Fifty (50) Per Cent of the Full and True Value Thereof, and Repealing All Acts or Parts of Acts in Conflict Herewith," Approved and Adopted by the Electors at the June 29, 1932, Primary Election, to Classify Property for Assessment at a Percentage of Its Value and Fix and Adopt Such Percentage of Values, Excepting Farm Buildings and Improvements from All Taxes, Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Received from House, 357.  
First reading and reference, 399.  
Committee report, 1141.  
Other action, 1143.  
Lost, 1332.  
Returned to House, 1439.

**House Bill No. 71**

House Bill No. 71. A Bill for an Act to Amend and Re-enact Section 6073 of the Supplement to the 1913 Compiled Laws of the State of North Dakota as Amended by Chapter 274 of the Session Laws of 1927 and as Further Amended by Chapter 159 of the Session Laws of 1935, Defining Usury and Fixing Penalty.

Received from House, 566.  
First reading and reference, 574.  
Referred, 632.  
Indefinitely postponed, 1047.  
Returned to House, 1091.

**House Bill No. 72**

House Bill No. 72. A Bill for an Act to Amend and Re-enact Section 3521 of the Compiled Laws of North Dakota for the Year 1931 as Amended by Section 1 of Chapter 286 of the Session Laws of North Dakota for the Year 1923, the Same Being Section 3521 of the Supplement of the Compiled Laws of North Dakota for the Year 1925, and as Amended by That Certain Initiated Law Entitled "An Act Reducing and Fixing Allowances for Mileage and Travel Expenses of County Officials and Their Deputies, and Repealing All Acts and Parts of Acts in so far as They Conflict Herewith, and Taking Effect July 30th, 1932, Excepting as to Elective Officials as to Whom It Shall Take Effect and Be in Force Upon Their Elec-

tion and Qualification to Office Hereafter," Approved and Adopted by the Electors at the June 29th, 1932, Primary Election Relating to Allowances for Mileage and Travel Expense of County Officials and Their Deputies and Providing for an Itemized Statement of Such Mileage and Travel Expense, Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Received from House, 387.  
 First reading and reference, 400.  
 Reported, 593.  
 Returned to House, 1040.  
 Other action, 651.  
 Indefinitely postponed, 1018.

#### House Bill No. 73

House Bill No. 73. A Bill for an Act to Amend and Re-enact That Certain Initiated Law Entitled: "An Act Reducing, Equalizing and Fixing Allowances for Mileage and Travel Expense of State Officials, Elective and Appointive, Their Deputies, Assistants, Clerks and Other State Employees, and Repealing All Acts and Parts of Acts in so far as They Are in Conflict Herewith, and Taking Effect as to All Except Elective Officials on the 30th Day of July, 1932, and as to Elective Officials Upon Their Election and Qualification Hereafter," Adopted and Approved by the Electors at the June 29th, 1932, Primary Election, Reducing and Fixing Allowances for Mileage and Travel Expense of State Officials, Elective and Appointive, Their Deputies, Assistants, Clerks and Other State Employees, Providing for the Filing of an Itemized Statement Thereof, Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Received from House, 358, 587.  
 First reading and reference, 400.  
 Reported back, 437.  
 Passed, 509.  
 Returned to House, 543, 610.  
 Signed by President, 610.

#### House Bill No. 75

House Bill No. 75. A Bill for an Act to Amend and Re-enact Section 6077 of the 1913 Compiled Laws of the State of North Dakota as Amended and Re-enacted by Chapter 158 of the Session Laws of 1935 Relating to the Rate of Interest to Be Allowed on Judgments.

Received from House, 267, 430, 526.  
 First reading and reference, 279.  
 Reported back, 348.  
 Passed, 379.  
 Returned to House, 456, 460.  
 Signed by President, 548.

#### House Bill No. 76

House Bill No. 76. A Bill for an Act Making an Emergency

Appropriation for the Purpose of Defraying the Expenses of the Maintenance and Operation of the Motor Vehicle Registration Department.

Received from House, 326.  
First reading and reference, 338.  
Reported back, 389.  
Passed, 423.  
Returned to House, 462.  
Signed by President, 541.

#### House Bill No. 77

House Bill No. 77. A Bill for an Act Making an Appropriation to the Secretary of State for the Payment of the Cost of Printing the 1933-1934 Public Documents, and Declaring an Emergency.

Received from House, 463, 1116.  
First reading and reference, 508.  
Reported back, 628.  
Passed, 1020.  
Returned to House, 1040, 1126.  
Signed by President, 1122.

#### House Bill No. 78

House Bill No. 78. A Bill for an Act Providing for the Registration of Public Contractors, and Defining the Term Public Contractor; Providing the Requirements and Method of Obtaining a License to Engage in the Business of Public Contracting in the State of North Dakota; Classifying and Fixing the Fee for Such License; Providing the Method of Suspension, Cancellation and Reinstatement Thereof; Providing Added Requirements in Bond of Foreign Contractor; Prescribing Penalties for the Violation of This Act; and Repealing All Acts or Parts of Acts in Conflict With the Provisions Hereof, and Declaring an Emergency.

Received from House, 342, 627, 1553.  
First reading and reference, 352.  
Reported back, 437.  
Other action, 512, 581, 673, 1182, 1382.  
Passed, 1448.  
Returned to House, 544, 684, 1465, 1578.  
Signed by President, 1577.

#### House Bill No. 79

House Bill No. 79. A Bill for an Act Requiring the Commissioner of Insurance to Deposit All Receipts of the Department With the State Treasurer, and Providing for the Establishment of an Insurance Department Operating Account, and Requiring All Expenses of the Insurance Department to Be Paid Out of Such Insurance Department Operating Account. Repeal.

Received from House, 358.

First reading and reference, 400.  
Reported back, 628.  
Lost, 1173.  
Returned to House, 1188.

#### House Bill No. 80

House Bill No. 80. A Bill for an Act to Amend and Re-enact Sections 201 and 214 and 215 of the Compiled Laws of North Dakota for the Year 1913 as Amended and Re-enacted by Sections 1, 3 and 4 of Chapter 147 of the 1931 Session Laws of the State of North Dakota, and Repealing Section 213 of the Compiled Laws of North Dakota for the Year 1913 as Amended by Section 2 of Chapter 147 of the 1931 Session Laws of the State of North Dakota, and Repealing Section 217 of the 1913 Compiled Laws of the State of North Dakota, Relating to the Creation of a Fire Marshal Department.

Received from House, 325, 1210.  
First reading and reference, 38.  
Reported back, 629.  
Passed, 1118.  
Returned to House, 1128, 1246.  
Signed by President, 1236.

#### House Bill No. 81

House Bill No. 81. A Bill for an Act Extending the Definition of "Villages" to Include "Incorporated Towns" Where Such Towns Were Incorporated Under Any Law of the Territory of Dakota or of the State of North Dakota, and Repealing All Acts or Parts of Acts in Conflict Therewith.

Received from House, 582, 1212.  
First reading and reference, 603.  
Reported back, 742.  
Passed, 1067.  
Returned to House, 1133, 1245.  
Signed by President, 1235.

#### House Bill No. 82

House Bill No. 82. A Bill for an Act to Amend and Re-enact Subsection "C" of Section 2166, Supplement to the Compiled Laws of 1913 as Amended and Re-enacted by Chapter 279, Session Laws of 1931, Relating to the Collection of Delinquent Personal Property Taxes and Prescribing the Duties of the County Treasurer and Sheriff in Connection With the Collection Thereof.

Received from House, 525.  
First reading and reference, 637.  
Indefinitely postponed, 1028.  
Returned to House, 1090.  
Other action, 1099.

#### House Bill No. 83

House Bill No. 83. A Bill for an Act to Amend and Re-enact



Sections 4 and 6 of Chapter 92 of the Session Laws of 1933, Providing for the Consolidation of Counties the Petition and Election Therefor; the Vote Thereon; Result Thereof; and Proclamation by the Governor; the Officers; Expiration of Their Terms and Transfer of All Books, Records and Property; Nominations When Void; the Transfer and Trial of All Actions; the Debts, Taxes and Issuance of Bonds or Certificates of Indebtedness, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Received from House, 526, 1116.  
 First reading and reference, 537.  
 Reported back, 629.  
 Passed, 1021.  
 Returned to House, 1040, 1126.  
 Signed by President, 1122.

#### House Bill No. 84

House Bill No. 84. A Bill for an Act to Amend and Re-enact Section Six (6) of Chapter 116 of the Session Laws of North Dakota of 1927, Relating to the Furnishing of Seed and Feed by Counties and Declaring an Emergency.

Received from House, 525, 1116.  
 First reading and reference, 537.  
 Reported back, 649.  
 Passed, 1023.  
 Returned to House, 1046, 1127.  
 Signed by President.

#### House Bill No. 85

House Bill No. 85. A Bill for an Act to Provide for Public Display of the Specifications of Motor Gasoline Offered for Sale at Retail.

Received from House, 387.  
 First reading and reference, 400.  
 Reported back, 1183.  
 Indefinitely postponed, 1320.  
 Returned to House, 1329.

#### House Bill No. 87

House Bill No. 87. A Bill for an Act to Amend and Re-enact Section 35 of Chapter 143 of the 1931 Session Laws, as Amended by Section 35 of Chapter 143 of the 1935 Session Laws, Relating to the Bag and Possession Limits on Protected Game Birds, and Prescribing a Penalty for the Violation of the Provisions Hereof.

Received from House, 583.  
 First reading and reference, 604.  
 Indefinitely postponed, 1080.  
 Returned to House, 1188.

#### House Bill No. 88

House Bill No. 88. A Bill for an Act to Amend and Re-

enact Section 5 of Chapter 195 of the Session Laws of North Dakota for the Year 1929, Relating to the Construction of All Public Buildings and Repairs and Improvements Connected With or Pertaining Thereto, Contracts Therefor, and Allowance and Payment of Estimates Thereon.

Received from House, 357, 652.  
 First reading and reference, 399.  
 Reported back, 534.  
 Passed, 574.  
 Returned to House, 613, 685.  
 Signed by President, 673.

#### House Bill No. 89

House Bill No. 89. A Bill for an Act Relating to the Administration of Insolvent Banking Institutions; Appointing the Bank of North Dakota as Liquidating Agent Therefor; Requiring Delivery of Assets to the Bank of North Dakota, Specifying Its Duties in Connection Therewith and Providing Compensation Therefor; Providing for the Appointment of Committees to Reopen and Liquidate Such Banks; and Repealing All Acts or Parts of Acts in Conflict Herewith.

Received from House, 920.  
 First reading and reference, 981.  
 Lost, 1404.  
 Returned to House, 1440.

#### House Bill No. 90

House Bill No. 90. A Bill for an Act to Secure the Benefits of the Act of Congress of the United States Establishing a System of Federal Old Age Benefits Known as the "Social Security Act"; Providing a Plan for Old Age Pensions and Assistance; Creating a Fund for the Payment of Old Age Pensions; a Board to Be Known as the Old Age Pension Board of the State of North Dakota as the Agency to Administer the Plan; Designating and Prescribing the Persons to Be Pensioned and Otherwise Receive the Benefits of This Act; Prescribing Penalties for Violation of the Provisions of This Act; Providing for the Payment of Expenses to Be Incurred in Carrying Out the Provisions Hereof; and Repealing Chapter 254 of the Session Laws of North Dakota for the Year 1933, Together With Any and All Acts or Parts of Acts in Conflict With or Inconsistent to the Provisions of This Act.

Received from House, 984.  
 First reading and reference, 1015.  
 Indefinitely postponed, 1047.  
 Returned to House, 1090.

#### House Bill No. 96

House Bill No. 96. A Bill for an Act Making an Appropriation to Make Up the Deficits in the Fund Known as "The Insurance Tax to Fire Departments" for the Purpose of

Paying Insurance Tax to the Various Fire Departments of the State in Compliance with the Provisions of Sections 3993 to 3998 Inclusive, of the Compiled Laws of 1913, and Declaring an Emergency.

Received from House, 463, 1116.  
First reading and reference, 508.  
Reported back, 629.  
Passed, 1022.  
Returned to House, 1040, 1126.  
Signed by President, 1122.

#### House Bill No. 98

House Bill No. 98. A Bill for an Act Directing the Board of Administration to Engage Competent Engineering Experts to Determine What Can Be Done to Remedy the Poor Hearing Qualities of the House Chamber and Advise on Cost Thereof; Proceed to Have Same Done if at a Cost Not in Excess of \$2,500; Making an Appropriation, and Declaring an Emergency

Received from House, 616, 1328.  
First reading and reference, 671.  
Reported back, 1011.  
Passed, 1107.  
Returned to House, 1188, 1423.  
Signed by President, 1411.

#### House Bill No. 100

House Bill No. 100. A Bill for an Act Authorizing and Directing the Board of Administration of the State of North Dakota to Retouch and Repair the Portraits and Paintings of the Former Governors and Legislative Assemblies of North Dakota or Other Paintings and Portraits Having Been Damaged by Exposure to Moisture and Change of Temperature and Making an Appropriation. Emergency.

Received from House, 887, 1503, 1533.  
First reading and reference, 913.  
Reported back, 1202.  
Passed, 1318.  
Returned to House, 1333, 1512, 1559.  
Signed by President, 1556.

#### House Bill No. 104

House Bill No. 104. A Bill for an Act to Amend and Re-enact Section 1265 of the Compiled Laws of 1913, Relating to Candidates and the Official Ballot at Elections in Special School Districts.

Received from House, 456, 1211.  
First reading and reference, 423.  
Reported back, 694.  
Passed, 1059.  
Returned to House, 1128, 1246.  
Signed by President, 1236.

**House Bill No. 105**

House Bill No. 105. A Bill for an Act to Amend and Re-enact Section 1151 of the Compiled Laws of 1913, as Amended and Re-enacted by Chapter 237, Session Laws of 1927, Relating to Election of Officers of Common School Districts, and Prescribing Qualifications Therefor.

Received from House, 456, 1212.  
First reading and reference, 422.  
Reported back, 694.  
Passed, 1060.  
Returned to House, 1129, 1245.  
Signed by President, 1235.

**House Bill No. 106**

House Bill No. 106. A Bill for an Act to Amend and Re-enact Sections 2551, 2552, 2553, 2562, 2564 and 2567 of the Compiled Laws of the State of North Dakota for the Year 1913; Providing for Application of Admission to the State Hospital for the Insane; Providing for the Investigation by the Commissioners of Insanity as to Such Application; Providing for Method of Sending Patients to the State Hospital for the Insane; Defining the Terms "Insant" and "Idiot"; Providing for the Issuance of Warrants of Insanity, or Warrants as to the Requirement of Treatment and/or Observation by the Superintendent of the State Hospital for the Insane; Providing for the Issuance of a Writ of Habeas Corpus in Certain Cases; Repealing All Acts and Parts of Acts in Conflict Therewith, and Declaring an Emergency.

Received from House, 752, 1532.  
First reading and reference, 760.  
Reported back, 1087.  
Passed, 1238.  
Returned to House, 1349, 1557.  
Signed by President, 1555.

**House Bill No. 107**

House Bill No. 107. A Bill for an Act to Amend and Re-enact Section 2572a of the 1925 Supplement to the Compiled Laws of North Dakota for 1913, Providing for the Settlement of the Expenses of Patients in the Hospital for the Insane, the Institution for the Feeble-Minded and State Tuberculosis Sanatorium, Between the Various Counties, the State and Such Institutions, Providing for Disputed Claims, Repealing All Acts in Conflict Therewith, and Declaring an Emergency.

Received from House, 753, 1417.  
First reading and reference, 761.  
Reported back, 1088.  
Passed, 1239.  
Returned to House, 1333, 1486.  
Signed by President, 1485.

**House Bill No. 108**

House Bill No. 108. A Bill for an Act to Amend and Re-

enact Section 2579 of the 1925 Supplement to the Compiled Laws of the State of North Dakota for 1913, Providing That the Expenses for the Treatment and Maintenance of Insane Persons in the State Hospital for the Insane Shall Be Charged Against the Estate of Such Persons, Providing for the Disposition of Property of Insane Persons, Repealing All Acts in Conflict Therewith and Declaring an Emergency.

Received from House, 753, 1379, 1418.  
 First reading and reference, 761.  
 Reported back, 1088.  
 Passed, 1247.  
 Returned to House, 1333, 1486.  
 Signed by President, 1485.

#### House Bill No. 109

House Bill No. 109. A Bill for an Act to Amend and Re-enact Sections 2568, 2569 and 2570, of the Compiled Laws of North Dakota for 1913, Providing for the Liability and the Expenses for the Insane, Declaring Responsibility of the County and of the State; Providing for the Duties of the Superintendent of the State Hospital for the Insane with Reference Thereto, Repealing All Acts in Conflict Therewith and Declaring an Emergency.

Received from House, 682.  
 First reading and reference, 724.  
 Reported back, 1088.  
 Indefinitely postponed, 1151.  
 Returned to House, 1259.

#### House Bill No. 110

House Bill No. 110. A Bill for an Act to Amend and Re-enact Sections 1716a1 and 1717 of the 1925 Supplement of the Compiled Laws of North Dakota for 1913, Providing That the Cost of Keeping Patients in the Institution for the Feeble-Minded Shall Be a Charge Against the County Sending Such Patient and Against the State, That Persons Liable to Support Such Defective Person Shall, When Able, Pay the Expense of Treatment, Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Received from House, 774.  
 First reading and reference, 802.  
 Reported back, 1028.  
 Indefinitely postponed, 1151.  
 Returned to House, 1259.

#### House Bill No. 111

House Bill No. 111. A Bill for an Act to Amend and Re-enact Section 2588 of the 1925 Supplement of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 251 of the Session Laws of North Dakota for 1929, Relating to the Cost of Maintenance of Patients at the North Dakota

Tuberculosis Sanatorium, Repealing All Acts and Parts of Acts in Conflict Herewith and Declaring an Emergency.

Received from House, 774.  
First reading and reference, 802.  
Reported back, 1029.  
Indefinitely postponed, 1151.  
Returned to House, 1259.

#### House Bill No. 112

House Bill No. 112. A Bill for an Act to Prohibit the Operating of Motion Picture Theaters Which Are Owned, Controlled, Managed, or Operated, in Whole or in Part, by Producers or Distributors of Motion Picture Films, or in Which Such Producers or Distributors Have Any Interest.

Received from House, 430, 1515.  
First reading and reference, 457.  
Reported back, 1147.  
Passed, 1345.  
Returned to House, 1383.  
Signed by President, 1517.

#### House Bill No. 116

House Bill No. 116. A Bill for an Act to Amend and Re-enact Sections 189b1 to 189b30, Inclusive, of the 1925 Supplement to the Compiled Laws of North Dakota, as Amended; Relating to State Hail Insurance; Providing for Compulsory State Hail Insurance; Levying a Flat Hail Insurance Tax of One Cent on Each Acre of Tillable Land in North Dakota; Providing for the Levy and Collection of an Indemnity Tax Upon Insured Lands, Fixing the Amounts and Providing for Adjustment of Claims of Indemnity; Defining the Duties of Assessors, Auditors and Treasurers; Abatement of Hail Indemnity Tax and Correction of Records; Providing for Special State Hail Insurance; Repealing All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Received from House, 960.  
First reading and reference, 979.  
Reported back, 1183.  
Other action, 1184, 1414.  
Committee report, 1257.  
Lost, 1415.  
Returned to House, 1439.

#### House Bill No. 118

House Bill No. 118. A Bill for an Act to Provide for Additional and Supplemental Assessments on Omitted Property for Benefits for Improvements Established, Constructed and Maintained Pursuant to Section 8320a1 to Section 8320a4, Inclusive, of the Supplement to the Compiled Laws of 1913, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Received from House, 583, 1211.

First reading and reference, 604.  
Reported back, 743.  
Passed, 1068.  
Returned to House, 1133, 1245.  
Signed by President, 1235.

#### House Bill No. 119

House Bill No. 119. A Bill for an Act Making an Appropriation for the Purpose of Returning to the State Hail Insurance Fund the Money Diverted Therefrom by Chapter 155 of the Session Laws of North Dakota for 1935, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Received from House, 733, 1522.  
First reading and reference, 760.  
Reported back, 1203.  
Passed, 1402.  
Returned to House, 1384, 1451, 1528.  
Signed by President, 1527.

#### House Bill No. 121

House Bill No. 121. A Bill for the Use of Tax Reports of Public Utilities by the Board of Railroad Commissioners in Determining Valuations for Rate-Making Purposes.

Received from House, 753, 1418.  
First reading and reference, 761.  
Reported back, 1080.  
Passed, 1210.  
Returned to House, 133, 1486.  
Signed by President, 1486

#### House Bill No. 122

House Bill No. 122. A Bill for an Act Providing for the Regulation of Public Utilities; Powers and Duties of Railroad Commission; Improper Charges; Reparation.

Received from House, 753  
First reading and reference, 761.  
Reported back, 1047.  
Indefinitely postponed, 1047.  
Returned to House, 1090.

#### House Bill No. 123

House Bill No. 123. A Bill for an Act Relating to Petitions by Patrons and Users of Services of Public Utility Companies for Reduction of Public Utility Rates, Authorizing Negotiations Touching Such Rates, Providing for Temporary Reductions or Increases in Rates, and for Refunds and Reparations, and Jurisdiction and Duties of the Board of Railroad Commissioners, and Declaring an Emergency, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Received from House, 753, 1326.

First reading and reference, 761.  
 Reported back, 1048.  
 Passed, 1155.  
 Returned to House, 1185, 1422.  
 Signed by President, 1408

#### House Bill No. 124

House Bill No. 124. A Bill for an Act Relating to the Jurisdiction and Powers of the Board of Railroad Commissioners of the State of North Dakota, Relating to Hearings and Investigations in Connection With Public Utilities; and Relating to the Payment of Expenses of Hearings, and Investigations, and Valuations, and/or Revaluations, and of Methods of Assessing and Collecting the Same, Re-creating and Continuing "Public Utility Fund," a Revolving Fund, and Declaring an Emergency, and Repealing All Acts or Parts of Acts in Conflict Herewith, Except the Provisions of Acts Relating to "Public Utility Fund."

Received from House, 640.  
 First Reading and reference, 672  
 Reported back, 1048.  
 Passed, 1157.  
 Returned to House 1253, 1421.  
 Signed by President, 1406.

#### House Bill No. 125

House Bill No. 125. A Bill for an Act to Provide for the Creation, the Powers, the Duties, the Authority and the Jurisdiction of the State Water Conservation Commission; Prescribing its Powers and Duties to Investigate, Plan, Regulate, Control, and Supervise for All Purposes of Flood Control, Water Conservation, Water Irrigation, Water Rights, and Pollution of Water, All Public or Private Navigable or Non-navigable, Surface and Sub-surface, Waters, Streams, Lakes, Ponds, Water-courses, Surface Waters, Run-off Waters, and Watersheds, Located in or Within the Jurisdiction of the State of North Dakota and to Exercise Powers of Contracting, of Sale and of Purchase, and of Leasing and sub-leasing with Respect Thereof; Providing for the Construction, Operation and Maintenance of a System of Works for the Conservation, Development, Storage, Distribution and Utilization of Water, and for the Acquisition and Disposition of Property Necessary Therefor; Authorizing the Issuance and Sale of Water Conservation Revenue Bonds of the State, Payable From the Revenues of Such Works and the Funds Received From the Sale or Disposal of Water and from the Operation, Lease, Sale or Other Disposition of the Works, Property, and Facilities to Be Acquired Out of the Proceeds of Such Bonds; Providing for the Lien Upon Bond Proceeds, for Exempting Property of Commission from Taxation; Providing for Trust Indentures; Providing for the Creation of Certain Funds in Connection with the Act; Providing for Necessary Help and Expenses; Providing for Contracts with the United States; with Political Sub-divisions of the State, with Associations, Groups, and Persons, Providing for Powers and Duties Concerning Inter-State Compacts and Commissions; Providing for the Purchase and Condemnation, and Otherwise to Ac-



quire Lands and Water Rights and for the Sale and Lease Thereof; Making an Appropriation; Providing for the Creation of a Revenue Bond Payment Fund; Providing Duties of State Agencies Acting Intra State, Concerning Water Conservation, Flood Control and Pollution of Waters and Providing Duties of State Agencies Concerning Inter-State Compacts With Respect to Water Conservation, Flood Control and Pollution of Waters; Providing for the Collection and Payment of Moneys Into Said Fund and Disbursements Therefrom; for Methods of Paying Principal and Interest Thereon by State Treasurer; Providing for Levy of Tax, if Necessary, to Pay Principal and Interest of Revenue Bonds; and Reimbursement of Such Levy, and to Provide that the State Water Conservation Commission May Mortgage Property; and Designating Said Water Conservation Commission as a Public Corporation and Agency of the State; and to Grant Additional Powers to the Commission Concerning Irrigation, the Sale and Lease of Water, and Water Rights; to Borrow Monies; Providing for Authority of Bank of North Dakota to Act as Fiscal Agent, to Purchase and Sell Revenue Bonds and to Make Loans; Repealing Inconsistent Acts and Declaring an Emergency.

Received from House, 989, 1600.  
 First reading and reference, 1017.  
 Reported back, 1143.  
 Other action 1203, 1386, 1464, 1523.  
 Passed, 1524.  
 Returned to House, 14444, 1603.  
 Signed by President, 1601.

#### House Bill No. 126

House Bill No. 126. A Bill for an Act to Provide for the Transfer of All Moneys Derived From Special Taxes on Motor Vehicle Transportation, Which Are Now Remaining Inactive in Special Funds to the Department of State Highways, Repealing All Acts or Parts of Acts in Conflict Herewith and Declaring an Emergency.

Received from House, 682, 1553, 1379.  
 First reading and reference, 724.  
 Reported back, 1081.  
 Passed, 1214.  
 Returned to House, 1349, 1381, 1578.  
 Signed by President, 1577.

#### House Bill No. 128

House Bill No. 128. A Bill for an Act to Amend and Re-enact Section 3846 of the Compiled Laws of North Dakota for 1913, fixing the hours during which the polls shall be open at an election upon the question of whether or not a proposed Village shall incorporate.

Received from House, 463, 652.  
 First reading and reference, 507.  
 Reported back 534.  
 Passed, 575.  
 Returned to House, 613, 685.  
 Signed by President, 673.

**House Bill No. 129**

House Bill No. 129. A Bill for an Act to Amend and Re-enact Section 3852 of the Compiled Laws of North Dakota for 1913, Fixing the Hours During Which the Polls Shall Be Open at Annual Village Elections: Declaring an Emergency.

Received from House, 463, 652.  
First reading and reference, 507.  
Reported back, 534.  
Passed, 576.  
Returned to House 613, 685.  
Signed by President, 674.

**House Bill No. 130**

House Bill No. 130. A Bill for an Act to Amend and Re-enact Section 3264 of the Compiled Laws of North Dakota for 1913 Relating to the Term of Office of County Commissioners.

Received from House, 848, 1326.  
First reading and reference, 869.  
Reported back, 1029.  
Passed, 1110.  
Returned to House 1186, 1422.  
Signed by President, 1408.

**House Bill No. 133**

House Bill No. 133. A Bill for an Act to Amend and Re-enact Section 1190 of the 1925 Supplement to the 1913 Compiled Laws of the State of North Dakota, as the Same Was Amended by Chapter 243 of the 1927 Session Laws of the State, Relating to Consolidation of Schools and Transportation of Pupils; and Repealing Certain Acts in Conflict.

Received from House, 430, 1451.  
First reading and reference, 457.  
Reported back, 694.  
Other action, 1060, 1268, 1061.  
Passed, 1398.  
Returned to House, 1451, 1558.  
Signed by President, 1555.

**House Bill No. 136**

House Bill No. 136. A Bill for an Act to Amend and Re-enact Sections 5512, 5513, 5514 and 5515 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to Transfer of Interests of Real Estate by Corporations; Repealing All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

Received from House, 733, 1328.  
First reading and reference, 760.  
Reported back, 1029.  
Passed, 1110.  
Returned to House, 1186, 1424.  
Signed by President, 1412.

**House Bill No. 137**

House Bill No. 137. A Bill for an Act Amending and Re-enacting Section 7812 of the Compiled Laws of North Dakota for the Year 1913, as to the Furnishing of Surety for Costs in District Court Actions by Plaintiffs Who Are Non-Residents of the State or Foreign Corporations Other Than United States Corporations; and Declaring an Emergency.

Received from House, 732, 1326.  
First reading and reference, 757.  
Reported back, 1029.  
Passed, 111.  
Returned to House 1186, 1423.  
Signed by President, 1408.

**House Bill No. 139**

House Bill No. 139. A Bill for an Act to Amend and Re-enact Section 9020 of the Compiled Laws of North Dakota for the Year 1913, and to Provide for the Furnishing of Surety for Costs by Plaintiffs Who Are Non-Residents or Corporations Other Than United States Corporations; Declaring an Emergency.

Received from House, 773, 1374.  
First reading and reference, 802.  
Reported back, 1029.  
Passed, 1112.  
Returned to House, 1186, 1421.  
Signed by President, 1406.

**House Bill No. 140**

House Bill No. 140. A Bill for an Act Relating to Public Utilities, Reports of Public Utilities to the Board of Railroad Commissioners; Valuations of Public Utilities Made by the Board of Railroad Commissioners; Duties of State Board of Equalization and/or State Tax Commissioner.

Received from House, 732, 1374.  
First reading and reference, 759.  
Reported back, 1081.  
Passed, 1215.  
Returned to House, 1253.  
Signed by President, 1409.

**House Bill No. 141**

House Bill No. 141. A Bill for an Act Making it the Duty of the State Board of Equalization to Reassess Certain Classes of Property When Any General Tax Levied Against the Property Shall Be Adjudged Illegal and Non-enforcible or Shall Be Set Aside by Any State Court or Federal Court of Competent Jurisdiction and Limiting the Bringing of Actions Against the State for Recovery of Taxes Paid.

Received from House, 990, 1522.

First reading and reference, 1017.  
Reported back, 1144.  
Passed, 1335.  
Returned to House, 1418, 1452, 1527.  
Signed by President, 1527.

#### House Bill No. 142

House Bill No. 142. A Bill for an Act Providing for the Establishment of Voting Precincts in All Special and Independent School Districts; Requiring Establishment of Polling Places for Each 6,000 Inhabitants; Providing for Appointment of Election Officials, Fixing Their Powers, Duties and Compensation and Repealing All Acts or Parts of Acts in Conflict Herewith.

Received from House, 463, 698.  
First reading and reference, 507.  
Reported back, 561.  
Passed, 610.  
Returned to House, 658, 764.  
Signed by President, 726.

#### House Bill No. 145

House Bill No. 145. A Bill for an Act Providing for a Transfer of Certain School Lands Situated in Bottineau County, State of North Dakota, with the Buildings Thereon, to the State Historical Society to Be Used and Maintained as a Part of the State Public Park System, and Providing for an Appropriation to Reimburse the Permanent School Fund of the Senate, and Declaring an Emergency.

Received from House, 407, 652.  
First reading and reference, 423.  
Reported back, 534.  
Passed, 577.  
Returned to House, 614.  
Signed by President, 674.

#### House Bill No. 146

House Bill No. 146. A Bill for an Act to Protect the Public Health and Morals by Prohibiting the Employment of Females Under the Age of Eighteen Years in Certain Places Where Beer or Alcoholic Beverages Are Sold, Providing a Penalty for the Violation of the Provisions Hereof, and Declaring an Emergency.

Received from House, 525.  
First reading and reference, 537.  
Reported back, 649.  
Indefinitely postponed, 649.  
Returned to House, 684.

#### House Bill No. 150

House Bill No. 150. A Bill for an Act to Amend and Re-

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CIII

enact Section 5, of Chapter 166, of the 1929 Session Laws of the State of North Dakota, Relating to Tax on Motor Fuels and for the Distribution of the Revenues Derived from Said Tax.

Received from House, 921, 1580.  
 First reading and reference, 981.  
 Reported back, 1145.  
 Other action, 1337, 1448.  
 Passed, 1478.  
 Returned to House, 1431, 1480, 1593.  
 Signed by President, 1590.

### House Bill No. 156

House Bill No. 156. A Bill for an Act Levying a Tax of One-half of One Mill Upon Each Dollar of Assessed Valuation of All Taxable Property Within the State for the Years 1937 and 1938, for the Purpose of Paying the Interest and Creating a Sinking Fund for the Payment of the Principal of the North Dakota Real Estate Bonds Now Outstanding.

Received from House, 566, 1326.  
 First reading and reference, 574.  
 Reported back, 1030.  
 Passed, 1113.  
 Returned to House, 1186, 1423.  
 Signed by President, 1408.

### House Bill No. 160

House Bill No. 160. A Bill for an Act Amending and Re-enacting Chapter 242 of the 1931 Session Laws of the State of North Dakota; Defining High Schools and Schools Doing High School Work, and Providing That Superintendent of Public Instruction Shall Provide State Course of Study for High Schools as Herein Defined.

Received from House, 582, 1503, 1533.  
 First reading and reference, 604.  
 Reported back, 793.  
 Passed, 1154.  
 Other action, 1153, 1163, 1275, 1321, 1452.  
 Returned to House, 1264, 1513, 1557.  
 Signed by President, 1555.

### House Bill No. 162

House Bill No. 162. A Bill for an Act to Amend and Re-enact Section 2844 of the Supplement to the 1913 Compiled Laws of North Dakota as Amended by Chapter 119, Session Laws of 1929, Relating to Licenses of Creameries, Cheese Factories, Process Butter Factories, Ice Cream Factories and Cream Stations; Providing for the Distribution of License Moneys; Repealing Acts in Conflict Herewith and Declaring an Emergency.

Received from House, 773, 1522.  
 First reading and reference, 803.

Reported back, 1011.  
Other action, 1022, 1091.  
Passed, 1401.  
Returned to House, 1452, 1528.  
Signed by President, 1526.

**House Bill No. 163**

House Bill No. 163. A Bill for an Act to Amend and Re-enact Section 4969, Compiled Laws of North Dakota for 1931; Requiring Accident and Sickness Insurance Corporations, Associations or Societies to Have and Maintain Admitted Assets of \$5,000.00; Repealing All Acts or Parts of Acts in Conflict Herewith; and Declaring an Emergency.

Received from House, 888, 1374.  
First reading and reference, 913.  
Reported back, 1049.  
Passed, 1158.  
Returned to House, 1421, 1254.  
Signed by President, 1406.

**House Bill No. 165**

House Bill No. 165. A Bill for an Act to Amend and Re-enact Section 3802 Compiled Laws of North Dakota for the Year 1913, Relating to Salaries Under the Commission Form of Government.

Received from House, 640.  
First reading and reference, 1145.  
Indefinitely postponed, 1145.  
Returned to House, 1258.

**House Bill No. 166**

House Bill No. 166. A Bill for an Act Creating a Fund to Be Known as the Industrial Commission Fund to Be Used by the Industrial Commission of the State of North Dakota for the Payment of Expenses Incurred When Engaged in the Performance of their Duties and Carrying Out the Provisions of Chapter 151 of the Session Laws of North Dakota for the Year 1919 at Places Other Than in the City of Bismarck, North Dakota; Making an Appropriation to Said Fund; and Declaring an Emergency.

Received from House, 733.  
First reading and reference, 760.  
Indefinitely postponed, 1092.  
Returned to House, 1130.

**House Bill No. 167**

House Bill No. 167. A Bill for an Act Making an Appropriation to Cover a Deficit in the Office of Securities Commission; to Provide for Expenses Necessary to Carry on an Investigation Ordered by the Legislature; Making an Appropriation and Declaring an Emergency.

Received from House, 616.

First reading and reference, 671.  
 Indefinitely postponed, 1260.  
 Returned to House, 1329.

#### House Bill No. 168

House Bill No. 168. A Bill for an Act to Amend and Re-enact Chapter 229 of the 1933 Session Laws of the State of North Dakota, as Amended by Chapter 260 of the Session Laws of 1935; to Provide for the Distribution of the Same Upon the Basis of Need, in the Payment of High School Tuition in Lieu of That Now Provided by Law and in the Payment of Direct Aid to School Districts Upon a Teacher-Unit Basis; and to Provide Methods for the Ascertainment and Payment of the Sums Payable to School Districts; and to Provide for Penalty for Making False Report; Repeal of All Acts in Conflict Herewith.

Received from House, 990, 1552.  
 First reading and reference, 1017.  
 Reported back, 1260.  
 Passed, 1387.  
 Returned to House, 1460, 1577.  
 Signed by President, 1576.

#### House Bill No. 170

House Bill No. 170. A Bill for an Act to Provide That the School Census in All Types of School Districts Shall Be Conducted in Odd Numbered Years Only; Repeal, and Declaring an Emergency.

Received from House, 640, 1210.  
 First reading and reference, 671.  
 Reported back, 793.  
 Passed, 1069.  
 Returned to House, 1129, 1247.  
 Signed by President, 1237.

#### House Bill No. 173

House Bill No. 173. A Bill for an Act to Amend and Re-enact Section 7 of Chapter 152 of the Session Laws of North Dakota for 1935, Relating to the Licensing of Resident Agents for Surety and Insurance Companies Other Than Life Insurance Companies; and Declaring an Emergency.

Received from House, 173, 1372.  
 First reading and reference, 760.  
 Reported back, 1049.  
 Passed, 1159.  
 Returned to House, 1254, 1421.  
 Signed by President, 1406.

#### House Bill No. 177

House Bill No. 177. A Bill for an Act Authorizing the Secretary of Agriculture and Labor to Issue an Official Brand Book Showing All the Livestock Brands Now of Record in

His Office, Making the Same Receivable in Evidence as Proof of Brands and the Ownership Thereof, and Making an Appropriation Therefor, and Declaring an Emergency.

Received from House, 640, 1161.  
 First reading and reference, 671.  
 Reported back, 893.  
 Passed, 1072.  
 Returned to House, 1089, 1180.  
 Signed by President, 1177.

#### House Bill No. 178

House Bill No. 178. A Bill for an Act Making an Appropriation for the Purpose of Paying Rental and Eliminating Toll Charges on the Great Northern Railway Company's Bridge Across the Yellowstone River in McKenzie County, North Dakota, and Authorizing the State Highway Commissioner to Enter Into a Contract With the Great Northern Railway Company to Provide Free Crossing to Vehicle and Traffic Over Said Bridge.

Received from House, 682, 1212.  
 First reading and reference, 724.  
 Reported back, 893.  
 Other action, 1074.  
 Passed, 1075.  
 Returned to House, 1131, 1245.  
 Signed by President, 1235.

#### House Bill No. 179

House Bill No. 179. A Bill for an Act Making it Unlawful to Obtain or Attempt to Obtain Relief by False and Fraudulent Representation.

Received from House, 583, 1211.  
 First reading and reference, 604.  
 Reported back, 793.  
 Passed, 1069.  
 Returned to House, 1128, 1246.  
 Signed by President, 1236.

#### House Bill No. 180

House Bill No. 180. A Bill for an Act to Amend and Re-enact Section 10 of Chapter 97 of the Session Laws of 1933, Providing Duty of Relative to Aid and Right of Recovery by County or County Welfare Board.

Received from House, 640, 1211.  
 First reading and reference, 671.  
 Reported back, 854.  
 Other action, 1071, 1098, 1106.  
 Passed, 1118.  
 Returned to House, 1129, 1247.  
 Signed by President, 1236.



**House Bill No. 183**

House Bill No. 183. A Bill for an Act Authorizing County, Municipal, Township and School Board Officials to Waive the Furnishing of Surety or Personal Bonds, Where Such Funds are Insured in the Federal Deposit Insurance Corporation, and Repealing All Acts or Parts of Acts in Conflict Herewith.

Received from House, 773, 1211.  
First reading and reference, 803.  
Reported back, 1028.  
Passed, 119.  
Returned to House, 1129, 1246.  
Signed by President, 1236.

**House Bill No. 185**

House Bill No. 185. A Bill for an Act to Amend and Re-enact Section 3733 of the 1935 Supplement to the Compiled Laws of 1913, Relating to the Sale of Real Property to Enforce Collection of Delinquent Special Assessments, Relating to the Bidding in of Same When No Bidders at Sale, Relating to Damages to Warrant Holders When Statutory Proceedings Not Followed, Providing a Validating Clause, Making Provisions of This Bill Retroactive, Providing a Saving Clause, and Declaring an Emergency.

Received from House, 921, 1523.  
First reading and reference, 981.  
Reported back, 1356.  
Passed, 1441.  
Returned to House, 1470, 1528.  
Signed by President, 1526.

**House Bill No. 188**

House Bill No. 188. A Bill for an Act Authorizing Any Banking Institution to Establish Stations for Receiving of Deposits and the Payment of Checks and Similar Bank Paper, Subject to the Approval and Supervision of the State Banking Board, and Prohibiting Branch Banking.

Received from House, 848, 1522.  
First reading and reference, 869.  
Reported back.  
Passed, 1388.  
Returned to House, 1452, 1528.  
Signed by President, 1527.

**House Bill No. 189**

House Bill No. 189. A Bill for an Act to Amend Section 22, of Chapter 96, of the Session Laws of the State of North Dakota for the Year 1931, Relating to the Responsibility of Shareholders of State Bank Stock.

Received from House, 773, 1522.  
First reading and reference, 802.

Reported back, 1185.  
 Passed, 1389.  
 Returned to House, 1438, 1528.  
 Signed by President, 1527.

#### House Bill No. 193

House Bill No. 193. A Bill for an Act Requiring Boards of County Commissioners or Any Other Public Board in Poor Relief Cases to Employ Medical, Osteopathic, Chiropractic Physicians, or Other Legally Licensed Practitioners of the State of North Dakota, in Treatment of Indigent Persons According to the Preference of Such Persons; Repealing Acts or Parts of Acts in Conflict Herewith and Declaring an Emergency.

Received from House, 193.  
 First reading and reference, 760.  
 Reported back, 1081.  
 Other action, 1153.  
 Lost, 1347.  
 Returned to House, 1467.

#### House Bill No. 196

House Bill No. 196. A Bill for an Act to Amend and Re-enact Section 189c14 of the Supplement to the Compiled Laws of 1913 as Amended and Re-enacted by Section 12 of Chapter 153 Session Laws of 1935 Relating to Collection of Premiums for Fire and Tornado Insurance on Public Buildings and Investment by the State Treasurer, and Declaring an Emergency.

Received from House, 683, 1373.  
 First reading and reference, 724.  
 Reported back, 1049.  
 Passed, 1159.  
 Returned to House, 1254, 1419.  
 Signed by President, 1410.

#### House Bill No. 198

House Bill No. 198. A Bill for an Act Making an Appropriation to Be Expended in Providing Public Assistance to the Needy Aged, the Needy Blind, and to Dependent Children, and in Providing Child Welfare Services in Coordination With and Supplementary to Funds Made Available for Like Purposes in North Dakota by the Federal Government; Defining the Powers and Duties of the Public Welfare Board in Relation Thereto; Repealing All Acts and Parts of Acts in Conflict With This Act; and Declaring an Emergency.

Received from House, 985, 1503, 1533.  
 First reading and reference, 1015.  
 Other action, 1281.  
 Passed, 1282.  
 Returned to House, 1292, 1512, 1557.  
 Signed by President, 1554.

**House Bill No. 199**

House Bill No. 199. A Bill for an Act Making an Appropriation for Relief to Destitute and Necessitous Persons, Defining the Powers and Duties of the Public Welfare Board in Relation Thereto; Providing for Allocation of Funds to Counties for Relief Purposes; Repealing All Acts and Parts of Acts in Conflict With This Act; and Declaring an Emergency.

Received from House, 985, 1502.  
 First reading and reference, 1017.  
 Reported back, 1222.  
 Other action, 1282.  
 Passed, 1283.  
 Returned to House, 1286, 1527.  
 Signed by President, 1509.

**House Bill No. 201**

House Bill No. 201. A Bill for an Act Providing for the Regulation of Dealers in Livestock and Poultry and Defining Who are Dealers; Act Not Applicable, To Whom: License and Bond Required; Duties of Carrier When Shipment of Livestock and Poultry Offered; Powers and Duties of Railroad Commissioners for the Administration and Appropriation Fees Collected to the Use of the Board of Railroad Commissioners for the Administration and Enforcement of the Act Authorizing the Board of Railroad Commissioners to Apply to the District Court for its Appointment as Trustee for the Benefit of Holders of Claims Against Livestock Dealers and Livestock or Poultry Purchased by Said Dealers, and to Marshal the Trust Assets of Such Insolvent and Distribute Such Trust Assets Among Such Claimants; Penalty for Violation of Act; and, Repealing All of Chapter 2 of the Session Laws of the State of North Dakota for the year 1935; and Repealing All Acts in Conflict Herewith; and Making the Act an Emergency Measure.

Received from House, 849, 1417.  
 First reading and reference, 870.  
 Reported, 1189.  
 Passed, 1322.  
 Returned to House, 1333, 1486.  
 Signed by President, 1485.

**House Bill No. 203**

House Bill No. 203. A Bill for an Act to Amend and Re-enact Section 201 of the 1935 Session Laws Relating to Limiting the Hours of Employment of Municipal Employees, Fixing the Penalty for Violation Thereof, and Repealing All Acts and Parts of Acts in Conflict Therewith.

Received from House, 616, 1372.  
 First reading and reference, 203.  
 Reported back, 1028.

Other action, 1108, 1149.  
Passed, 1149.  
Returned to House, 1264, 1419.  
Signed by President, 1410.

**House Bill No. 204**

House Bill No. 204. A Bill for an Act Amending and Re-enacting Section 3274 of the 1913 Compiled Laws of North Dakota Relating to the Authority of County Commissioners to Sell County Real and Personal Property; Authorizing the County Commissioners to Reserve All or Any Part of the Oil, Gas, Coal and/or Mineral Rights in Land so Sold; Repealing All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

Received from House, 921, 1328.  
First reading and reference, 982.  
Reported back, 1030.  
Passed, 1113.  
Returned to House, 1186, 1423.  
Signed by President, 1412.

**House Bill No. 207**

House Bill No. 207. A Bill for an Act to Amend and Re-enact Section 7297 of the Supplement to the 1913 Compiled Laws of North Dakota, as amended by Chapter 165 of the Session Laws of North Dakota for 1927 Relating to Holidays.

Received from House, 207, 1418.  
First reading and reference, 758  
Reported back, 1081.  
Passed, 1215.  
Returned to House, 1334, 1487  
Signed by President, 1485.

**House Bill No. 208**

House Bill No. 208. A Bill for an Act Providing for the Payment and Cancellation of Personal Property Taxes Assessed and Levied for the Year 1935 and All Prior Years; Fixing the Amount to Be Paid and Providing for Cancellation of Interest and Penalties and Partial Cancellation of the Original Amount of Such Taxes.

Received from House, 683.  
First reading and reference, 724.  
Indefinitely postponed, 1030.  
Returned to House, 1090.

**House Bill No. 209**

House Bill No. 209. A Bill for an Act to Protect Trade Mark Owners, Distributors and the Public Against Injurious and Uneconomic Practices in the Distribution of Articles of Standard Quality Under a Distinguished Trade Mark, Brand or Name.

Received from House, 961, 1373.  
First reading and reference, 980.  
Reported back, 1082.  
Passed, 1216.  
Returned to House, 1253, 1419.  
Signed by President, 1410.

#### House Bill No. 212

House Bill No. 212. A Bill for an Act Requiring Certain Matters to Be Considered by the Board of Railroad Commissioners in Determining Rates to Be Allowed to Public Utilities Under Their Jurisdiction; Repeal.

Received from House, 734, 1416.  
First reading and reference, 758.  
Reported back, 1082.  
Passed, 1228.  
Returned to House, 1334, 1487.  
Signed by President, 1484.

#### House Bill No. 214

House Bill No. 214. A Bill for an Act to Validate Actions Heretofore Taken in Cities in Connection With Special Elections of the Question of Erecting Electric Light and Power Systems and Authorizing the Construction of Such Systems, and Declaring an Emergency.

Received from House, 848, 1327.  
First reading and reference, 869.  
Reported back, 1028.  
Passed, 1109.  
Returned to House, 1186, 1424.  
Signed by President, 1413.

#### House Bill No. 217

House Bill No. 217. A Bill for an Act Relating to Foreign Corporations; Providing for Their Admission to Transact Business in This State; for Their Withdrawal from This State; for the Revocation of Their Authority to Transact Business in This State; for Payment by Them of Certain License Fees; for Filing by Them of Annual Reports; for Appointment by Them of Resident Agents for Service of Process; for Service of Process on Foreign Corporations; for Penalties and Liabilities for Violations of This Act; for Filing and Recording of Certificates of Authority Issued Pursuant to This Act, and Their Effect as Evidence; for Payment by Foreign Corporations of Certain Fees to the Secretary of State and to Registers of Deeds; for Application of This Act to Foreign Corporations Heretofore Authorized to Transact Business in This State; Repealing Sections 5240, 5241 and 5242 of the Compiled Laws of North Dakota of 1913; Sections 5238a1, 5238a2 and 5239 of the 1925 Supplement to the Compiled Laws of North Dakota of 1913; and Section 5238 of the 1925 Supplement to the Compiled Laws of North Dakota of 1913, as Amended and Re-enacted by

Chapter 99 of the Session Laws of North Dakota of 1929, and All Acts or Parts of Acts in so far as They Conflict Herewith.

Received from House, 752, 1580.  
First reading and reference, 758.  
Reported, 1082.  
Passed, 1229.  
Returned to House, 1349, 1380, 1592.  
Signed by President, 1589.

#### House Bill No. 219

House Bill No. 219. A Bill for an Act Requiring the Adjutant General to Secure Information and Keep Records of and Concerning the Burial Places of Deceased War Veterans Who Died in or Are Buried in the State of North Dakota and to Provide Methods and Means of Performing This Duty.

Received from House, 807, 1502, 1533.  
First reading and reference 833.  
Reported 1146.  
Passed, 1337.  
Returned to House 1513, 1557.  
Signed by President, 1554.

#### House Bill No. 221

House Bill No. 221. A Bill for an Act Permitting and Authorizing the Adoption of Civil Service by Cities Having a Population in Excess of 4,000 According to the Latest Official Census, Federal or State; Providing for Such Adoption by Passage or Ordinance; When Not so Adopted, by Proceeding by Petition and Election Based Thereon; Providing for Abolishing Such Civil Service After Adoption by Vote of Electors; Prescribing Procedure With Respect Thereto; and Penalties for Violations Hereof.

Received from House, 683, 1328.  
First reading and reference, 724.  
Reported, 1049.  
Passed 1153.  
Returned to House, 1186, 1423.  
Signed by President, 1411.

#### House Bill No. 223

House Bill No. 223. A Bill for an Act Making an Appropriation for the Payment of the Expenses to Be Incurred by Boys' and Girls' Club Work at State and District Fairs.

Received from House 223, 1161.  
First reading and reference 801.  
Reported, 893.  
Passed, 1076.  
Returned to House, 1089, 1180.  
Signed by President, 1178.

**House Bill No. 226**

House Bill No. 226. A Bill for an Act to Amend and Re-enact Sections 2763, 2764 and 2766 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to the Stallion Registration Board, and Repeal All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Received from House 960.  
First reading and reference, 979.  
Reported, 1197.  
Indefinitely postponed, 1398.  
Returned to House, 1497.

**House Bill No. 228**

House Bill No. 228. A Bill for an Act Amending and Re-enacting Section 3836 of the Compiled Laws of North Dakota for 1913, Providing for Initiating and Enacting Into Law City Ordinance by Petition and Vote of Electors of Cities Under Commission Form of Government, and Cities Organized Under the General Law and Governed by a City Council, Providing Form of Ballot, Notice of Election, Repealing All Acts in Conflict Therewith, and Declaring an Emergency.

Received from House, 960.  
First reading and reference 979.  
Reported, 1189.  
Lost, 1323.  
Returned to House, 1329.

**House Bill No. 229**

House Bill No. 229. A Bill for an Act to Repeal Chapter 267 of the 1935 Session Laws, the Same Being an Amendment and Re-enactment of Chapter 94 of the Session Laws of the State of North Dakota for the Year 1929, Relating to the Custodian of the Capitol Building and Grounds, Describing His Duties, Powers and Compensation and Appointing of Such Custodian.

Received from House, 234, 1211.  
First reading and reference, 758.  
Reported, 793.  
Passed, 1070.  
Returned to House, 1128, 1246.  
Signed by President, 1235.

**House Bill No. 230**

House Bill No. 230. A Bill for an Act Prohibiting Electrical Power Companies From Charging a Deposit Upon Any Meter Installed Upon the Premises of Any User of Current Unless Interest Is Paid Annually Upon Such Deposit.

Received from House, 773, 1418.

First reading and reference, 801.  
Other action, 1049, 1083, 1230.  
Passed, 1230.  
Returned to House, 1334, 1487.  
Signed by President, 1485.

#### House Bill No. 233

House Bill No. 233. A Bill for an Act Declaring That All Beer and Ale Manufactured or Sold in the State of North Dakota Containing 4%, or Less, of Alcohol by Weight, Shall Be Controlled by and Subject to the Provisions of the State Laws Relating to 3.2 Alcohol Content Beer; Declaring an Emergency.

Received from House, 808, 1373.  
First reading and reference, 833.  
Reported, 1050.  
Passed, 1165.  
Returned to House, 1254, 1419.  
Signed by President, 1410.

#### House Bill No. 234

House Bill No. 234. A Bill for an Act Requiring All Licensed Liquor Dealers to Make Available Reports, Records, Vouchers, Books, and Other Documents to the State Treasurer; Providing for Examination; Providing Penalties for Delinquencies and for Violations.

Received from House, 808, 1373.  
First reading and reference, 834.  
Reported, 1050.  
Passed, 1165.  
Returned to House, 1254, 1419.  
Signed by President, 1410.

#### House Bill No. 235

House Bill No. 235. A Bill for an Act to Appropriate \$2,500.00 to Be Paid to the State Historical Society of North Dakota Under the Direction of the Federal Writers' Project of the Works Progress Administration, to Be Used for the Printing of The North Dakota Guide, and Providing for the Return of the Money to the State Treasurer, and Providing the Manner of Printing, Distributing, and Accounting for Sale of Said Book.

Received from House, 849, 1521.  
First reading and reference, 870.  
Reported, 1097.  
Passed, 1294.  
Returned to House, 1438, 1529.  
Signed by President, 1527.

#### House Bill No. 239

House Bill No. 239. A Bill for an Act to Amend and Re-enact Section 77 of Chapter 168, Session Laws of 1919 Which



Also Appears as Section 3084a77 of the 1925 Supplement Governing Underground Coal Mining Near Boundary Lines and Including Therein Coal Mining Near State, County and Township Highways.

Received from House, 773, 1552.  
 First reading and reference, 801.  
 Reported 1083.  
 Passed, 1231.  
 Returned to House, 1380, 1577.  
 Signed by President, 1576.

#### House Bill No. 240

House Bill No. 240. A Bill for an Act to Amend and Re-enact Section 1, Chapter 159, Session Laws for 1930, as Amended and Re-enacted by Chapter 130, Session Laws for the Year 1933, and as Again Amended and Re-enacted by Chapter 142 of the Session Laws for the Year 1935, Defining Imitation Ice Cream, Providing Penalty for Violation and Declaring an Emergency.

Received from House, 808, 1417.  
 First reading and reference, 834.  
 Reported, 1146.  
 Passed, 1318.  
 Returned to House, 1334, 1487.  
 Signed by President, 1484.

#### House Bill No. 246

House Bill No. 246. A Bill for an Act to Amend and Re-enact Section 2, of Chapter 141, of the 1927 Session Laws, Relating to the Prevention of Fraud and Deception in the Manufacture and Sale of Concentrated, Commercial Feeding Stuffs and Providing for Registration and Labeling Thereof and Repealing Acts in Conflict Therewith.

Received from House, 848, 1417.  
 First reading and reference, 869.  
 Reported, 1083.  
 Passed, 1232.  
 Returned to House, 1334, 1487.  
 Signed by President, 1484.

#### House Bill No. 247

House Bill No. 247. A Bill for an Act to Amend and Re-enact Section Six (6) of That Certain Initiated Law Adopted by the Voters of the State of North Dakota at the Special Election Held September 22, 1933, Entitled as Follows: "An Act Defining and Providing for the Manufacture, Sale and Distribution of Beer, Providing Revenue Therefrom, and Licenses Therefor, Prohibiting the Transfer of Licenses, Excluding Certain Persons from the Right to Purchase the Same, Appointing a State Beer Commissioner and Defining His Powers, Duties, and Salary; Authorizing Cities, Villages and County Commissioners to Provide a Local Tax and Prescribe Rules and Regulations Under Which Beer May Be

Sold and Authorizing Municipalities to Provide Penalties for Violation of Their Regulations; Providing for the Administrative Expense of This Act; Making it Unlawful for Any Person to Engage in the Manufacture or Sale of Beer Without First Obtaining a License Therefor; Providing a Penalty for the Violation of the Provision Thereof; Providing for a Saving Clause as to Constitutionality; and Repealing All Acts or Parts of Act in Conflict With This Act, and Making an Appropriation to Carry Out the Provisions Hereof," and Declaring an Emergency.

Received from House 921, 1008, 1579.  
 First reading and reference, 981.  
 Reported, 1030.  
 Other action, 996, 1013, 1352.  
 Passed, 1013.  
 Returned to House 1352, 1420, 1591.  
 Signed by President, 1589.

#### House Bill No. 248

House Bill No. 248. A Bill for an Act Imposing an Excise Tax on Motor Vehicles for the Privilege of Using the Streets and Highways of This State; to Provide for the Collection of Such Tax; the Distribution and Use of the Revenue Derived Therefrom and the Administration of Said Law; Providing for Certain Exemptions; Fixing Fines and Penalties for the Violation of the Provisions of This Act; Defining Motor Vehicles and Declaring an Emergency.

Received from House, 808.  
 First reading and reference, 833.  
 Reported, 1190.  
 Passed, 1324.  
 Returned to House, 1527.  
 Signed by President, 1523.

#### House Bill No. 249

House Bill No. 249. A Bill for an Act Providing for the Collection of Real Property Taxes by the Collection of Rents from Such Property, Providing for the Duties of the District Court and the County Treasurer in Connection Therewith, Providing for the Service of the Court Order, the Application of Such Rents by the County Treasurer, Providing for Contempt for Failure to Comply with the Order of the Court, Providing That the Payments of the Rent Under the Order Shall Have Precedence Over Prior and Subsequent Liens and Assignments, Providing for Appeals, Providing That the Remedy is in Addition to Other Remedies, Repealing All Acts or Parts of Acts in Conflict Therewith and Declaring an Emergency.

Received from House, 808, 1326.  
 First reading and reference, 824.  
 Amended, 1051.  
 Passed, 1166.  
 Returned to House 1168, 1422.  
 Signed by President, 1407.

**House Bill No. 250**

House Bill No. 250. A Bill for an Act to Amend and Re-enact Section 635 of the 1913 Compiled Laws of the State of North Dakota With Reference to Availability of Appropriations, Repealing All Acts in Conflict, and Declaring an Emergency.

Received from House, 848, 1373.  
First reading and reference, 869.  
Reported, 1783.  
Passed, 1233.  
Returned to House 1253, 1419.  
Signed by President, 1410.

**House Bill No. 252**

House Bill No. 252. A Bill for an Act Providing for the Payment to a Retail Implement Dealer of Certain Sums for All Stock of Farming Implements and Repairs for Farm Implements Upon the Cancellation of Any Contract Between Such Retail Implement Dealer and the Manufacturer, Wholesaler, or Distributor of Farm Implements, Machinery and Repair Parts for Farm Implements and Farm Machinery.

Received from House, 774, 1581.  
First reading and reference, 801.  
Reported, 1093.  
Amended, 1250.  
Passed, 1252.  
Returned to House, 1396, 1593.  
Signed by President, 1581.

**House Bill No. 253**

House Bill No. 253. A Bill for an Act Amending Articles 2889b4, 2889b5 and 2889b6 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota, and Being Part of Article 40b of Chapter 38 of the Political Code, Relating to Food and Drugs, and Known as the North Dakota Food and Drug Act.

Received from House, 888, 1532.  
First reading and reference, 913.  
Reported, 1355.  
Other action, 1430.  
Passed, 1430.  
Returned to House, 1470, 1558.  
Signed by President, 1555.

**House Bill No. 254**

House Bill No. 254. A Bill for an Act to Amend and Re-enact Section 951 Compiled Laws of North Dakota for 1913 and Chapter 136 Session Laws of 1927; Providing for Inspectors, Judges and Clerks of Election, Their Qualifications and Duties; Repealing Acts or Parts of Acts in Conflict Herewith.

Received from House, 849.

First reading and reference, 870.  
Indefinitely postponed, 1051.  
Returned to House 1090.

**House Bill No. 260**

House Bill No. 260. A Bill for an Act to Repeal Sections 10133 and 10134 of the Compiled Laws of North Dakota of 1913 Being the Act Making it Unlawful to Advertise Intoxicating Liquors Within the State and Prescribing Penalty Therefor.

Received from House, 849, 1328.  
First reading and reference, 870.  
Reported 1051.  
Other action, 1169, 1172.  
Passed, 1172.  
Returned to House, 1187, 1423.  
Signed by President, 1412.

**House Bill No. 264**

House Bill No. 264. A Bill for an Act Authorizing, Directing and Empowering the Proper Officers of the State of North Dakota to Release Any Interest Which the State of North Dakota Has Against Lot Fifteen (15) and the North Half (N½) of Lot Fourteen (14) in Block Thirty-Nine (39) of the Original Plat of the City of Jamestown, North Dakota, by Virtue of a Loan of \$5,000.00 Made by the State of North Dakota to Said Training School in the Year 1911, and Declaring an Emergency.

Received from House, 888, 1327.  
First reading and reference, 913.  
Reported, 1031.  
Passed, 1114.  
Returned to House 1187, 1424.  
Signed by President, 1414.

**House Bill 269.**

House Bill No. 269. A Bill for an Act to Define Native Lignite and to Separately Classify Native Lignite; and to Declare the Public Policy in Respect Thereto.

Received from House, 984, 1521.  
First reading and reference, 1015.  
Reported, 1096.  
Passed, 1293.  
Returned, 1438, 1529.  
Signed by President, 1527.

**House Bill No. 270**

House Bill No. 270. A Bill for an Act Regulating Game and Fish, for the Propagation, Conservation, Protection, Preservation of Wild Birds, Wild Animals and Fish; and Providing That Certain Game Birds, Game Animals, Fur-bearing Animals, Fish and Deer Shall Be Protected at All

Times, and the Season Declared Closed Except When Opened by Governor's Proclamation Upon Recommendation of the Game and Fish Commissioner; Providing for Resident and Non-resident Licenses, and Providing Penalties Therefor, and to Amend and Re-enact Section 10322a50 of the Supplement to the Compiled Laws of 1913, as Amended by Chapter 115 of the Session Laws of 1933.

Received from House 984.  
First reading and reference, 1015.  
Reported, 1223.  
Lost, 1400.  
Other action, 1542, 1571, 1586.  
Returned to House, 1440.

#### House Bill No. 271

House Bill No. 271. A Bill for an Act Relating to the Licensing of Motor Vehicle Operators, and the Liability of Persons for Negligence in the Operation Thereof on Public Highways; Fixing Fees to Be Paid; Providing for the Examination of Applicants for License, and for the Suspension and Revocation of Such License; Making Disposition of the Fees Collected, and Providing for Penalty for Violating the Act; Repealing Chapter 175 of the 1935 Session Laws of North Dakota and All Other Acts or Parts of Acts in Conflict Herewith.

Received from House, 983, 1007.  
First reading and reference, 1013.  
Other action, 996.  
Indefinitely postponed, 1093.  
Returned to House, 1130.

#### House Bill No. 275

House Bill No. 275. A Bill for an Act Authorizing the County Commissioners, in an Emergency, to Destroy Noxious Weeds on Private Property at the Expense of the County; Declaring an Emergency.

Received from House, 960.  
First reading and reference, 979.  
Reported, 1031.  
Returned to House, 1090.

#### House Bill No. 280

House Bill No. 280. A Bill for an Act Amending Sub-division U of Section 51, of Chapter 96, of the Session Laws of North Dakota for 1931, Relating to the Liquidation of Insolvent Banks by Depositors; and Declaring an Emergency.

Received from House, 1003, 1522.  
First reading and reference, 1012.  
Reported, 1191.  
Passed, 1392.  
Returned to House, 1452, 1527.  
Signed by President, 1523.

**House Bill No. 291**

House Bill No. 291. A Bill for an Act for the Protection of Health and Prevention of Fraud and Deception in Cosmetics; for the Prevention of Adulteration, Misbranding and False Advertising Thereof; Requiring Labeling Thereof; Providing for the Enforcement of the Provisions of the Act; and to Provide Penalties for the Violation Thereof.

Received from House, 961, 1373.  
First reading and reference, 980.  
Reported, 1052.  
Amended, 1169.  
Amended, 1169.  
Passed, 1170.  
Returned to House, 1420.  
Signed by President, 1411.

**House Bill No. 292**

House Bill No. 292. A Bill for an Act Providing for the Allowance of a Portion of the Cost of Planting and Growing Forest Trees as a Bounty Therefor, and Prescribing the Duties of the Assessor in Connection Therewith; Repealing All Acts in Conflict Herewith; and Declaring an Emergency.

Received from House, 999, 1503, 1533  
First reading and reference, 1012.  
Reported, 1094.  
Returned to House, 1286, 1512, 1557.  
Passed, 1283.  
Other action, 1509.  
Signed by President, 1554.

**House Bill No. 297**

House Bill No. 297. A Bill for an Act to Amend and Re-enact Section 2 of Chapter 281 of the Session Laws of 1927; Repealing Chapter 74 of the Session Laws of 1929 and Providing an Appropriation for the Paying of Salary, Clerk Hire, Travel and General Expenses of the Office of Veterans' Service Commissioner.

Received from House, 808, 1483.  
First reading and reference, 868.  
Reported, 1195.  
Other action, 1266, 1267, 1375, 1376.  
Passed, 1377.  
Returned to House, 1453, 1498.  
Signed by President, 1496.

**House Bill No. 299**

House Bill No. 299. A Bill for an Act to Amend and Re-enact Section 860 of the Compiled Laws of North Dakota for the Year 1913; and Repealing All Acts or Parts of Acts in Conflict Herewith.

Received from House, 849, 1521.

First reading and reference, 870.  
Reported, 1147.  
Passed, 1345.  
Returned to House, 1438, 1529.  
Signed by President, 1527.

#### House Bill No. 303

House Bill No. 303. A Bill for an Act to Amend and Re-enact Section 2122, Compiled Laws of 1913, as Amended by Section 2122a of the 1925 Supplement to the 1913 Compiled Laws of North Dakota and Further Amended by the Initiated Measure Passed June 29, 1932, by the People of the State of North Dakota, and All Acts Amendatory Thereto, Providing for the Assessment of Stocks of Goods and Merchandise of Wholesale and Retail Dealers; Providing for Reports by Wholesale and Retail Dealers and Providing the Duties of the County Auditor and State Tax Commissioner; Repealing All Acts or Parts of Acts in Conflict Therewith, and Declaring an Emergency.

Received from House, 999.  
First reading and reference, 1011.  
Indefinitely postponed, 1146.  
Returned to House, 1258.

#### House Bill No. 304

House Bill No. 304. A Bill for an Act to Provide for the Assessment of Car Line Companies, Express Companies and Air Transportation Companies, Providing for the Allocation of the Tax to the State of North Dakota, Repealing All Acts and Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Received from House, 984, 1373, 1516, 1389.  
First reading and reference, 1015.  
Reported, 1052.  
Passed, 1447.  
Other action, 1381, 1170, 1446.  
Returned to House, 1254, 1386, 1455, 1529.

#### House Bill No. 306

House Bill No. 306. A Bill for an Act to Amend and Re-enact Chapter 148 of Senate Bill Number 260 of the Session Laws of North Dakota for the Year 1935, Authorizing the Highway Department to Appoint a State Highway Patrol Superintendent, an Assistant State Highway Patrol Superintendent, and Highway Police; Designating Powers and Qualifications of Such Police; Fixing Compensation and Providing for Disposition of Fines Collected.

Received from House, 999.  
First reading and reference, 1011.  
Indefinitely postponed, 1094.  
Returned to House, 1130.  
Received from House, 849.

**House Bill No. 307**

House Bill No. 307. A Bill for an Act Amending and Re-enacting Sections 2 (f), 3, 4, 8 and 14 of Chapter 214 of the Session Laws of North Dakota for 1931: Entitled—“An Act to Establish a Standardized and Uniform System of Grading, Labeling and Inspecting Potatoes and Certain Other Produce, and to Regulate the Sale and Distribution of Potatoes in Closed Containers, and Making an Appropriation Therefor.”

First reading and reference, 869.  
Indefinitely postponed, 1079.  
Returned to House, 1130.

**House Bill No. 308**

House Bill No. 308. A Bill for an Act to Make a Sales Tax a Replacement Tax and to Provide a Method of Replacement; Requiring the State Tax Commissioner to Issue Coupon Books to Be Accepted as Cash in Payment of Real and Personal Property Taxes, Providing a Method for the Sale of Coupon Books and Requiring the Coupons to Be Detached in the Presence of the Person Accepting the Coupons, and Declaring an Emergency.

Received from House, 899.  
First reading and reference, 1014.  
Reported, 1052.  
Lost, 1298.  
Returned to House, 1329.

**House Bill No. 311**

House Bill No. 311. A Bill for an Act Authorizing the State Treasurer to Execute on Behalf of the State Satisfactions of Mortgages on National Guard Armories in the State of North Dakota Given in Accordance With the Provisions of Chapter 174 of the Session Laws of North Dakota for 1907 and Amendments Thereto, and Declaring an Emergency.

Received from House, 888.  
First reading and reference, 913.  
Reported, 1052.  
Passed 1174.  
Returned to House, 1253, 1420.  
Signed by President, 1411.

**House Bill No. 312**

House Bill No. 312. A Bill for an Act Authorizing the State Highway Commissioner to Administer Feeder or Other Roads for Which Federal Appropriations Are Made.

Received from House, 888, 1373, 1417.  
First reading and reference, 912.  
Reported, 1189.  
Passed, 1320.  
Returned to House, 1332, 1487.  
Signed by President, 1484.



**House Bill No. 318**

House Bill No. 318. A Bill for an Act to Amend and Re-enact Sections 1, 2 and Sub-section (e) of Chapter 106 of the 1935 Session Laws, Relating to the Incorporation of Co-operative Grazing Associations, to Provide for the Organization of Groups With a Smaller Acreage Than 50,000 Acres, Where They May Be Required, and Making No Restrictions as to the Number of Organizations in Any One County to Operate Under Said Chapter.

Received from House, 889, 1521.  
First reading and reference, 912.  
Reported, 1189.  
Passed, 1391.  
Returned, 1437, 1529.  
Signed by President, 1527.

**House Bill No. 319**

House Bill No. 319. A Bill for an Act to Prohibit Distillers, Brewers, and Wholesalers of Beer and of Intoxicating Liquors in the State of North Dakota from Leasing and from Furnishing of Any Furniture, Fixtures, Equipment or Other Property to Retailer; from Paying Retail Tax; from Being Interested in Retail Business; Providing Penalty and Declaring an Emergency.

Received from House, 985.  
First reading and reference, 1017.  
Reported, 1053.  
Passed, 1203.  
Other action, 1403.  
Returned to House, 1440.

**House Bill No. 320**

House Bill No. 320. A Bill for an Act to Amend and Re-enact Section 5574 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to the Form of Certificates of Acknowledgment; Repealing All Acts or Parts of Acts in Conflict Herewith, and Declaring an Emergency.

Received from House, 887, 1327.  
First reading and reference, 912.  
Reported, 1031.  
Passed, 1115.  
Returned to House, 1187, 1424.  
Signed by President, 1412.

**House Bill No. 322**

House Bill No. 322. A Bill for an Act Abolishing the Agricultural Experiment Station Near Hettinger, Adams County, and Providing for Conveyance of Land Where Located and Improvements Thereon to the City of Hettinger Under Certain Conditions, Repealing Sections 1643 and 1644 of the Com-

piled Laws of North Dakota, 1913, and Declaring an Emergency.

Received from House, 960, 1521.  
First reading and reference, 980.  
Reported, 1094.  
Passed, 1284.  
Returned to House, 1438, 1528.  
Signed by President, 1527.

#### House Bill No. 324

House Bill No. 324. A Bill for an Act to Amend and Re-enact Section 4400 of the Supplement to the 1913 Compiled Laws of North Dakota, Relating to the Affirmative Proof Required in Divorce Actions.

Received from House, 889, 1372.  
First reading and reference, 912.  
Reported, 1032.  
Passed 1125.  
Returned to House, 1235, 1410.  
Signed by President, 1410.

#### House Bill No. 326

House Bill No. 326. A Bill for an Act to Provide for the Collection, Arrangement and Display of the Products and Resources of the State of North Dakota at the New York World's Fair in 1939.

Received from House, 983, 1521.  
First reading and reference, 1014.  
Reported, 1095.  
Passed, 1285.  
Returned to House, 1438, 1529.  
Signed by President, 1527.

#### House Bill No. 332

House Bill No. 332. A Bill for an Act Creating Pensions for Disabled or Retired Policemen, Their Widows, and Children Under Sixteen Years of Age; Disabled or Retired Police Matrons and Their Children Under Sixteen Years of Age; and Widows of Policemen Who Die in the Service, and Their Children Under Sixteen Years of Age; in Cities Now or Hereafter Having a Population in Excess of Twenty-five (25,000) Thousand by the Last Official Census, Federal or State; and Providing for a Fund Out of Which Such Pensions Shall Be Paid; and for the Establishment of a Pension Board for the Management, Control and Distribution of Such Fund.

Received from House, 848, 1327.  
First reading and reference, 869.  
Reported, 1031.  
Passed, 1117.  
Returned to House, 1187, 1424.  
Signed by President, 1413.

**House Bill No. 333**

House Bill No. 333. A Bill for an Act Making It Unlawful for Any Officer or the Head of Any Department, Board, Bureau, Institution or Industry, to Buy, Sell, Exchange or in Any Manner Acquire or Dispose of Any Bond, Stocks, Certificates of Indebtedness, Notes, Mortgages or Other Evidence of Debt in Which Any Public Funds Have Been or May Be Invested, Without Permission of the Industrial Commission of the State of North Dakota; Providing Penalty for Violation and Declaring an Emergency.

Received from House, 922, 1532.  
First reading and reference, 982.  
Reported, 1262.  
Amended, 1405.  
Passed, 1405.  
Returned to House, 1456, 1558.  
Signed by President, 1555.

**House Bill No. 334**

House Bill No. 334. A Bill for an Act Authorizing the Exchange of Coupon Bonds for Register Bonds of the State of North Dakota.

Received from House, 984, 1554.  
First reading and reference, 1014.  
Reported, 1196.  
Passed, 1320.  
Returned to House, 1578.  
Signed by President, 1577.

**House Bill No. 335**

House Bill No. 335. A Bill for an Act to Amend and Re-enact Section 4652 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Stopping of Passenger Trains at County Seats, and Repealing Acts or Parts of Acts in Conflict Therewith.

Received from House, 984.  
First reading and reference, 1015.  
Indefinitely postponed, 1050.  
Returned to House, 1089.

**House Bill No. 336**

House Bill No. 336. A Bill for an Act to Amend and Re-enact Section 9 of Chapter 135 of the Session Laws of 1935; Providing for the Election of Party Precinct Committeemen; for the Organization of Party, County and State Committees; Establishing the Qualifications of Delegates and Committeemen; Providing for the Organization of Party, County and State Committees; Providing for the Nomination of Candidates for Presidential Electors; Repealing Acts or Parts of Acts in Conflict Herewith and Declaring an Emergency.

Received from House, 984, 1580.  
First reading and reference, 1015.  
Reported, 1262.  
Other action, 1428, 1429, 1442, 1443.  
Passed, 1443.  
Returned to House, 1450, 1592.  
Signed by president, 1590.

#### House Bill No. 341

House Bill No. 341. A Bill for an Act to Establish a Mouse River Valley Authority, and to Fix Its Powers and Duties.

Received from House, 990, 1580.  
First reading and reference, 1017.  
Reported, 1146.  
Passed, 1334.  
Returned to House, 1394, 1592.  
Signed by President, 1590.

#### House Bill No. 346

House Bill No. 346. A Bill for an Act Providing for the Formation of Cooperative, Non-profit, Membership Corporations to Be Known as Electric Membership Corporations for the Purpose of Promoting and Encouraging the Fullest Possible Use of Electric Energy in the State by Making Electric Energy Available to the Inhabitants of the State at the Lowest Cost Consistent With Sound Economy and Prudent Management of the Business of Such Corporations; Providing for the Rights, Powers and Duties of Such Corporations; Authorizing and Regulating the Issuance of Bonds by Such Corporations; and Providing for the Payment of Such Bonds and the Rights of the Holders Thereof.

Received from House, 1003, 1532.  
First reading and reference, 1012.  
Reported, 1356.  
Passed, 1427.  
Returned to House, 1433, 1558.  
Signed by President, 1556.

#### House Bill No. 349

House Bill No. 349. A Bill for an Act to Regulate the Employment of Teachers in State Institutions of Higher Learning, Fixing Conditions Under Which They May Be Employed or Discharged From Their Positions; Providing for Probationary Periods; Providing for Hearing.

Received from House, 1004.  
First reading and reference, 1013.  
Indefinitely postponed, 1263.  
Returned to House, 1329.

#### House Bill No. 350

House Bill No. 350. A Bill for an Act Providing for the

Creation of Power Districts; Prescribing Powers and Duties of Such Districts; and Authorizing Such Districts to Conduct and Operate Utilities for the Production, Transmission of Distribution of Electric Energy, and to Issue Bonds and Providing for the Payment of Such Bonds; and Declaring an Emergency.

Received from House, 999.  
 First reading and reference, 1014.  
 Indefinitely postponed, 1355.  
 Returned to House, 1384.

#### House Bill No. 352

House Bill No. 352. A Bill for an Act to Amend and Re-enact Section 16, of Chapter 71, of the Session Laws of North Dakota for the Year 1933, With Respect to the Duties of the State Examiner.

Received from House, 961.  
 First reading and reference, 980.  
 Reported, 1196.  
 Indefinitely postponed, 1393.  
 Returned to House, 1439.

#### House Bill No. 353

House Bill No. 353. A Bill for an Act Making an Emergency Appropriation to Provide for Aid for Livestock Feeds, in the Form of Loans, to Farmers in Drouth-stricken Counties of This State, Providing for the Distribution of Such Appropriation Among the Counties by the Public Welfare Board of North Dakota, with the Counsel and Assistance of the Commissioner of Agriculture and Labor; Prescribing the Duties of County Officers in Relation to Such Livestock Feed Aid, and Declaring an Emergency.

Received from House, 888, 1356.  
 First reading and reference, 912.  
 Reported, 1225.  
 Passed, 1269.  
 Returned to House, 1270, 1421.  
 Signed by President, 1407.

#### House Bill No. 354

House Bill No. 354. A Bill for an Act Providing for Free Text Books in Common Schools, Authorizing the Purchase Thereof by the Respective School Boards and Repealing Acts or Parts of Acts in Conflict Herewith.

Received from House, 888.  
 First reading and reference, 912.  
 Indefinitely postponed, 1265.  
 Returned to House, 1439.  
 Signed by President, 1484.

#### House Bill No. 357

House Bill No. 357. A Bill for an Act to Apply and Make

Applicable the Provisions of the House Bill No. 32 of the Twenty-Fifth Legislative Assembly and Chapter 195 of the Laws of 1935 as Amended by House Bill Number 32 Afore-said, to "Warrants for Emergency Poor Relief" Issued Pursuant to Chapter 120 of the Laws of 1935 and Issued Prior to January 1st, 1939.

Received from House, 983, 1103, 1372.  
 First reading and reference, 1014.  
 Indefinitely postponed, 1032.  
 Other action, 1098, 1152.  
 Passed, 1152.  
 Returned to House, 1089, 1254, 1418.  
 Signed by President, 1410.

#### House Bill No. 359

House Bill No. 359. A Bill for an Act to Amend and Re-enact Sections 3 of Chapter 257 of the 1933 Session Laws, Relating to Delinquency of Real Estate Taxes, Fixing Penalties; and Declaring an Emergency.

Received from House, 961, 1416.  
 First reading and reference, 980.  
 Reported, 1053.  
 Passed, 1208.  
 Returned to House, 1332, 1487.  
 Signed by President, 1485.

#### House Bill No. 360

House Bill No. 360. A Bill for an Act to Amend and Re-enact Section 6 of Chapter 172 of the Session Laws of North Dakota for the Year 1935, and Declaring an Emergency.

Received from House, 1003, 1594.  
 First reading and reference, 1012.  
 Reported, 1095.  
 Other action, 1287, 1493, 1542, 1290.  
 Passed, 1567.  
 Returned to House, 1462, 1597.  
 Signed by President, 1596.

#### House Bill No. 364

House Bill No. 364. A Bill for an Act Relating to the Sale of Cigarettes, Cigarette Papers, and Wrapper, Papers Used for the Making of Cigarettes, and Snuff; Providing for the Levy; Assessment, Collection and Payment of a Tax Thereon; Providing for the Regulation of the Sales Thereof; Providing Penalties for the Violation Thereof, Repealing Chapter 106, Session Laws of North Dakota for 1927, Chapter 105, Session Laws of North Dakota for 1931, Chapter 269, Session Laws of North Dakota for 1935, and All Acts or Parts of Acts in Conflict Therewith, and Declaring an Emergency.

Received from House, 1003.  
 First reading and reference, 1012.  
 Indefinitely postponed, 1197.  
 Returned to House, 1330.

**House Bill No. 365**

House Bill No. 365. A Bill for an Act to Repeal Article 5 of Chapter 63 of the Civil Code (1913 Compiled Laws of the State of North Dakota) Relating to Mates and Seamen.

Received from House, 922.  
First reading and reference, 982.  
Reported, 1095.  
Passed, 1290.  
Returned to House, 1438, 1530.  
Signed by President, 1527.

**House Bill No. 366**

House Bill No. 366. A Bill for an Act to Repeal Article 6 of Chapter 63 of the Civil Code (1913 Compiled Laws of the State of North Dakota) Relating to Ship's Managers.

Received from House, 961, 1521.  
First reading and reference, 980.  
Reported, 1095.  
Passed, 1291.  
Returned to House, 1438, 1529.  
Signed by President, 1527.

**House Bill No. 373**

House Bill No. 373. A Bill for an Act Prohibiting Certain Advertising of Intoxicating Liquors and Providing a Penalty Therefor.

Received from House, 984.  
First reading and reference, 1013.  
Indefinitely postponed, 1053.  
Returned to House, 1130.

**House Bill No. 377**

House Bill No. 377. A Bill for an Act to Repeal Chapter 6 of the Session Laws of North Dakota for the Year 1935, Regulating the Purchase, Use, Administering and Handling of Hog Cholera Virus, and Declaring an Emergency.

Received from House, 999.  
First reading and reference, 1014.  
Indefinitely postponed, 1197.  
Returned to House, 1258.

## SENATE RESOLUTIONS

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### SENATE RESOLUTION "D"—(Committee on Printing)

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Referred, 270.  
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Messaged to House, 291.  
Enrolled, 393.  
Signed by President, 384.  
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Read and adopted, 317.



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Printed in Journal, 1299.

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Introduction, 955.  
Adopted, 955.  
Enrolled, 1079.  
Signed by President, 1064.

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Introduction, 1348.  
Adopted, 1348.  
Printed in Journal, 1399.

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Whelan)

Introduction, 1476.  
Adopted, 1476.  
Printed in Journal, 1399.

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ment)

Introduction, 1573.  
Read and adopted, 1573.

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Introduction, 1588.  
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Introduction 1477.  
Adopted, 1477.  
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Returned to Senate, 1599.  
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### SENATE CONCURRENT RESOLUTION "B"—(Gilbert- son and Strehlow)

Introduction, 69.  
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 Adopted, 1477.

## HOUSE MEMBERS

Dist.	County	Name	Address
1.	Pembina	Alex Dalzell	Walhalla
		Franklin Page	Hamilton
		Earl D. Symington	Neche
2.	Pt. of Ward	Chas. H. Black	Foxholm
3.	Pt. of Walsh	Palmer Levin	Park River
		Harry O'Brien	Park River
4.	Pt. of Walsh	O. R. LaBerge	Grafton
5.	Pt. of G. Forks	Wm. H. Wick	Larimore
6.	Pt. of G. Forks	Geo. H. Saumur	Grand Forks
7.	Pt. of G. Forks	Targie Trydahl	Thompson
		Henry Leum	Mayville
		H. W. McInnes	Kelso
8.	Trail	L. C. Odegard	Buxton
		K. A. Fitch	Fargo
		Arthur C. Johnson	Fargo
9.	Pt. of Cass	Edward Kraus	Fargo
		W. H. Shure	Fargo
		L. L. Twichell	Fargo
		Frank H. Beaton	Fargo
10.	Pt. of Cass	Otis Nelson	Mapleton
		Carl H. Dittmer	Leonard
11.	Pt. of Cass	A. J. Kapaun	Alice
		J. D. Holthusen	Tyler
12.	Pt. of Richland	Dan R. Jones	Wahpeton
		A. Z. Nelson	Cayuga
13.	Sargent	Ray E. Olson	Forman
14.	Ransom	John Magill	Verona
		H. G. Severson	Ft. Ransom
15.	Pt. of Barnes	Sam Oglesby	Wimbledon
16.	Griggs-Steele	Harvey B. Knudson	Finley
		J. H. Langford	Cooperstown
		Edw. Savre	Cooperstown
17.	Nelson	N. O. Huseby	Michigan
		P. K. Holm	Pekin
18.	Cavalier	Harvey Brusseau	Olga
		Frank Beasley	Fairdale
		Mandus Hultstrand	Milton
19.	Rolette	Carl Anfinson	Mylo
		Jacob Urschel	St. John
20.	Benson	C. H. Hofstrand	Churchs Ferry
		Gust Tweten	Oberon
21.	Ramsey	Edwin Traynor	Starkweather
		Elmer Gessner	Penn
		Clarence Gilberg	Devils Lake
22.	Towner	D. S. Blair	Maza
		L. O. Norheim	Rock Lake

Dist.	County	Name	Address
23.	Stutsman	L. R. Burgum	Jamestown
		Ed. Dullea	Pingree
		Emil Frey	Jamestown
		Harry J. Morris	Jamestown
24.	LaMoure	Elliott T. Knutson	LaMoure
		John C. Sandness	LaMoure
25.	Dickey	H. E. Jury	Fullerton
		G. Wendland	Kulm
26.	Emmons	Math Dahl	Hazelton
		Val P. Wolf	Hague
27.	Burleigh	Joseph D. Byrne	Bismarck
		Richard Day	Moffit
		J. M. Thompson	Wilton
28.	Bottineau	Peter Peterson	Antler
		Fred J. Shurr	Lansford
		Thos. A. White	Kramer
29.	Pt. of Ward	A. W. Benno	Minot
		Ole G. Frosaker	Minot
		M. D. Graham	Burlington
		E. K. Livingston	Minot
30.	Morton	W. J. Godwin	Mandan
		Herman Just, Jr.	New Salem
		Gus A. Schauss	Mandan
31.	Stark	Philip Krank	Dickinson
		Mike Obach	Zenith
		Ignatz Sticka	New England
32.	Eddy-Foster	Carl H. Pewe	McHenry
		W. W. Treffry	New Rockford
33.	Wells	Leonas Myers	Bowdon
		Calvin Schimke	Harvey
34.	McHenry	W. O. Biberdorf	Gardena
		L. E. Goodlaxon	Drake
		H. F. Niewoehner	Upham
35.	Kidder-Sheridan	John J. Adam	Anamoose
		Ole Akland	Denhoff
36.	McIntosh-Logan	John Billigmeier	Fredonia
		Robert Greiser	Wishek
37.	Pt. of Richland	C. P. Ritter	Burnstad
		Axel Peterson	Walcott
38.	Pt. of Barnes	H. C. Williams	Lidgerwood
		James G. Thoreson	Fingal
39.	Billings, Bowman, Golden Valley & Slope	H. W. Brown	Beach
		L. K. Morland	Scranton
		C. T. Olson	Bowman
40.	Burke-Divide	R. W. Frazier	Crosby
		Ed. McIntee	Northgate
		Robert Rait	Kermit
41.	McKenzie	Bernt Anderson	Charlson
		Oscar W. Hagen	Watford City
42.	Pierce	Paul A. Sand	Balta
		Wm. H. Tuff	Barton
43.	Renville	C. M. Peterson	Tolley

Dist.	County	Name	Address
44.	Mountrail	Frank J. Haines	Stanley
		Ole B. Stray	Stanley
45.	Williams	Geo. Bjornson	Ray
		Wm. Ireland	Corinth
		Iver Solberg	Ray
46.	McLean	Arlo Beggs	Turtle Lake
		H. R. Freitag	Max
		Nellie Olson	Wilton
47.	Grant-Sioux	James Caddell	Selfridge
		Fred Seibel	Elgin
48.	Mercer, Oliver & Dunn	C. W. Bieloh	Hazen
		Nels P. Jensen	Hazen
		Harry Semerad	New Hradec
49.	Adams-Hettinger	Wm. Holmquist	Reeder
		O. C. Olson	Hettinger

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## OFFICERS AND EMPLOYEES

Title	Name	Home Address
Lieutenant-governor .....	T. H. H. Thoresen	Grand Forks
President pro tempore .....	Gust Wog	Belfield
Secretary .....	Thomas McDonald	Mandan
1st Ass't Secretary .....	W. E. Matthaei	Fessenden
2nd Ass't Secretary .....	Philip Heiling	Valley City
Bill Clerk .....	Howard A. Goldammer	Lakota
Desk Reporter .....	Margaret Sheehan	Bismarck
Stenographer .....	Ruth Smith	Bismarck
Stenographer .....	LaVerne Odegard	Bismarck
Stenographer .....	Clara Rishling	Sherwood
Stenographer .....	Myrtle Topp	Grace City
Stenographer .....	Jennie Fisher	Grafton
Stenographer .....	Betty Boyle	Fargo
Stenographer .....	Louise Orish	Plaza
Stenographer .....	Olga Christenson	Harmon
Enrolling and Engrossing Clerk .....	Miria mTaylor	LaMoure
Stenographer .....	Anna Zurcher	Russell
Committee Clerk .....	Carl J. Larson	Mayville
Committee Clerk .....	Earl Anderson	Lisbon
Sergeant-at-Arms .....	Joe Volk, Jr.	Linton
Ass't Sergeant-at-Arms .....	Emil Strand	Fryburg
Postmaster .....	A. G. Sundfor	Fargo
Chief Mailing Clerk .....	S. B. Salverson	Bismarck
Ass't Mailing Clerk .....	Theodore Thompson	Carson
Telephone Messenger .....	S. A. Smith, Jr.	Fairmount
Proof Reader .....	H. W. Anderberg	Jamestown
Proof Reader .....	J. O. Bergheim	Minot
Committee Clerk .....	William Kane	Minot
Committee Clerk .....	N. L. Johnson	Mekinock
Committee Clerk .....	Henry Jacobson	Cando
Committee Clerk .....	G. Sundfor	Watford City
Page .....	Donnell Haugen	Roseglen
Page .....	Glenn Swanson	Devils Lake
Page .....	Edwin Osowski	Grafton
Page .....	Clarence Anderson	Walcott
Messenger .....	J. C. Goll	Danzig
Committee Clerk .....	E. G. Monson	Litchville
Doorkeeper .....	Paul Christenson	Bowbells
Doorkeeper .....	Torgy Thompson	Cass County
Doorkeeper .....	Joseph Fettig	Orrin
Senate Custodian .....	J. J. Forster	Richardton
Senate Custodian .....	E. B. Ressler	Cooperstown
Senate Custodian .....	Jacob Lutz	Havelock
Senate Custodian .....	Z. Vlasoff	Beach
Senate Custodian .....	John Spitzer, Jr.	Streeter

## SENATE MEMBERS

Dist.	County	Name	Address
1.	Pembina	Thomas Whelan	St. Thomas
2.	Pt. of Ward	Wm. J. Lowe	Kenmare
3.	Pt. of Walsh	Ed. Lian	Fairdale
4.	Pt. of Walsh	George V. Coffey	Minto
5.	Pt. of G. Forks	Oliver Bilden	Northwood
6.	Pt. of G. Forks	N. N. Nelson	Emerado
7.	Pt. of G. Forks	John L. Hulteng	Grand Forks
8.	Trail	Syver Vinje	Hillsboro
9.	Pt. of Cass	Arthur W. Fowler	Fargo
10.	Pt. of Cass	Max H. Strehlow	Kindred
11.	Pt. of Cass	Wm. Watt	Leonard
12.	Pt. of Richland	Melvin P. Johnson	Wahpeton
13.	Sargent	A. N. Lavik	Milnor
14.	Ransom	John Crandall	Lisbon
15.	Pt. of Barnes	Fred J. Fredrickson	Valley City
16.	Griggs-Steele	George Kolpin	Sutton
17.	Nelson	C. S. Aasen	Aneta
18.	Cavalier	Ed. Greene	Mona
19.	Rolette	H. G. Guenther	Rolla
20.	Benson	C. W. Fine	Sheyenne
21.	Ramsey	G. F. Drew	Devils Lake
22.	Towner	B. W. Lemke	Cando
23.	Stutsman	Ben Gilbertson	Jamestown
24.	LaMoure	Milton R. Young	Berlin
25.	Dickey	E. Magoffin	Monango
26.	Emmons	Harry C. Lynn	Linton
27.	Burleigh	James W. Guthrie	Bismarck
28.	Bottineau	Wm. A. Thatcher	Bottineau
29.	Pt. of Ward	J. C. Blaisdell, Jr.	Minot
30.	Morton	James T. McGillic	Mandan
31.	Stark	J. P. Cain	Dickinson
32.	Eddy-Foster	Otto Topp	Grace City
33.	Wells	R. M. Streibel	Fessenden
34.	McHenry	Ole Ettestad	Balfour
35.	Kidder-Sheridan	C. C. Morrison	Steele
36.	McIntosh-Logan	William Kroeber	Napoleon
37.	Pt. of Richland	Andrew Skarvold	Christine
38.	Pt. of Barnes	A. C. Nelson	Fingal
39.	Billings, Bowman, Golden Valley & Slope	Gust Wog	Belfield
Dist.	County	Name	Address
40.	Burke-Divide	R. A. Owings	Lignite
41.	McKenzie	J. K. Brostuen	Alexander
42.	Pierce	F. T. Gronvold	Rugby
43.	Renville	W. J. Trout	Sherwood
44.	Mountrail	Axel Olson	Parshall
45.	Williams	Henry Williams	Appam
46.	McLean	E. C. Stucke	Garrison
47.	Grant-Sioux	William Kamrath	Leith
48.	Mercer, Oliver & Dunn	E. F. Mutchler	Center
49.	Adams-Hettinger	Herman Thorson	Bucyrus

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5, 873-4, 941, 947, 949, 980-1, 1012, 1014, 1017, 102819-30,  
1033, 1051-2-3, 1135, 1141 1144-5-6.

**TEMPERANCE:**

35, 66, 100, 138, 173, 333, 365, 370-1, 517, 524, 529, 532, 538,  
619, 646, 649, 649, 792, 833-4, 870, 982, 1014, 1017, 1050-  
1-2-3.

**WAREHOUSE AND GRAIN GRADING:**

35, 66, 456, 521, 742, 817, 870, 1079.

**WAYS AND MEANS:**

35, 66, 518, 518, 520, 647-8, 758, 760, 947, 1081.

**WOMEN'S AND CHILDREN'S WELFARE:**

35, 66, 168, 239, 264, 323, 349, 350, 368, 412-3, 417, 418, 423,  
438, 628, 672, 734, 786, 819, 820, 854, 924, 1015, 1047.

**PUBLIC SAFETY:**

35, 66, 520-1, 691, 818-9, 834, 948, 980, 1082, 1146.